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Dublin welcomes move towards 'agreed elections': Belfast rally shows IRA its anger

Major keeps hopes for peace alive

By PHILIP WEBSTER, POLITICAL EDITOR, AND NICHOLAS WATT

JOHN MAJOR promised the country and Parliament last night to keep the search for a Northern Ireland peace settlement alive in the face of the "evil" Docklands bombing and the end of the IRA ceasefire.

He left open the door to Sinn Féin to be readmitted to the process if the ceasefire is restored and moved to repair relations with the Irish Government by making plain that he was not wedded to the idea of elections as the only route to all-party talks.

In remarks welcomed in Dublin and by nationalist politicians the Prime Minister declared that, although he still believed elections were the most promising way forward, his mind was not closed to other options. He insisted that all the Government's actions — including the elections proposal — were designed to lead directly to speedy negotiations between the parties, an emphasis that also pleased Irish ministers and led them to drop their outright opposition to the elections idea.

Dick Spring, Ireland's Deputy Prime Minister, said he had been encouraged by Mr Major's comments. "We were reassured by his very clear and direct and speedy link between possible elections and negotiations. That is a direction the Irish Government has been pursuing."

Mr Spring added that Dublin still had many questions about elections. But he significantly softened his opposition to Mr Major's plan when he

Mitchell's talks plea to Trimble

Senator George Mitchell, who produced last month's report on the Northern Ireland negotiations, last night begged David Trimble, the Ulster Unionist Party leader, to help to salvage the peace process.

At a meeting in Washington, Mr Mitchell pressed Mr Trimble to keep searching for a way to convene all-party talks. Mr Trimble was also due to meet President Clinton at the White House.

He said: "We all know that imposed elections will not work. What we need are agreed elections."

The conciliatory attitudes being adopted in London and Dublin are likely to pave the way to a summit as early as next week between Mr Major and the Irish Prime Minister, John Bruton, to keep the peace effort on track. It will take place in London — in defiance of the bombers.

A subdued and restrained House of Commons had earlier strongly backed Mr Major as he declared that, although the peace process had suffered a setback from the men of violence, it was not over.

He said: "We are not at the end of the road for peace. If we are pushed back, we will start again. If we are pushed back again, we will start again. If we are pushed back a third

time, we will start again. There can be no end to this search for a permanent settlement in Northern Ireland until we have achieved a permanent settlement in Northern Ireland... we may have to take more risks. We will not take reckless risks. But if we see a risk that we believe is appropriate in the cause of peace, then we will take it and seek the support of this House for doing so."

Although he confirmed that contacts between Sinn Féin and ministers had been cut off after the renewal of violence, Mr Major surprised MPs by the lengths to which he went to offer them a way back if the ceasefire was restored.

Senior ministers admitted yesterday that they did not know whether Gerry Adams, the Sinn Féin president, was privy to the IRA's decision to restart their campaign.

The doubts, which intelligence sources have so far been unable to clear up, were reflected in Mr Major's statement that a huge question mark now hung over Sinn Féin and they must decide "whether they are a front for the IRA or a democratic political party committed to the ballot not the bullet."

He declared it was for them to show through words and actions whether they had a part to play. Mr Major insisted.

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Part of the crowd of 3,000 outside Belfast City Hall yesterday. The rally began with a minute's silence for the victims of Friday's bombing

'We felt a need to come here again'

By NICHOLAS WATT
IRELAND CORRESPONDENT

THOUSANDS of people joined a peace rally in the centre of Belfast yesterday to register their anger with the IRA for threatening 18 months of peace in Northern Ireland.

Parents with young children joined office workers outside Belfast City Hall at the same spot where tens of thousands of people cheered on President Clinton just over two months ago.

The rally started off with a minute's silence in memory of the victims of the Docklands bomb attack. Hundreds of

people in the crowd of more than 3,000 held up paper doves, reviving memories of the rallies that were held at the height of the Troubles.

Women for Peace, who organised the rally, said they were encouraged by the turnout. Anne Carr said: "The last time we were outside the City Hall was just before the IRA ceasefire. I hoped and prayed that we would never be here again. But after the bombing we felt a need to come here again."

Olive McAlea, a pensioner who came to the rally with her sister, Bridget McCann, said she was devastated by the IRA bomb. She said:

"Turning out at the rally is our small way of telling the paramilitaries that we want peace, especially for the children. God seems to be with us today because the sun is shining."

Her comments were echoed by Charlie Butler, who lost three relatives in the IRA bomb attack on the Shankill Road in October 1993. He said he took heart from the thousands of people who turned out. "If this many people across the divide can come together why can't our politicians?"

□ The Archbishop of Canterbury, Dr George Carey, last night urged the Church to redouble its efforts to help

achieve a peace settlement in Ireland. Dr Carey, addressing the General Synod of the Church of England, said that the bomb was a tragedy "both in terms of the injuries and loss of life and of the blow it represents to the search for peace."

He said: "At such moments the role of the church is this: to redouble its efforts to help achieve a peace settlement and to continue to support all those, not least politicians of different traditions, who still thrive for a peaceful resolution of the conflict."

The Synod unanimously expressed "deep dismay" at the terrorist attack.



Officers to face war crime court

Two senior Bosnian Serb officers, General Djordje Djokic and Colonel Alekso Krstic, were taken from detention in Sarajevo last night and transferred to the war crimes tribunal in The Hague.

Bosnia deal, page 10

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NHS ready to pay £10,000 for surrogate pregnancy

By DOMINIC KENNEDY, SOCIAL AFFAIRS CORRESPONDENT

THE National Health Service is negotiating to pay for a surrogate mother to have a baby for a childless couple at a cost likely to exceed £10,000.

A district health authority is in talks with the Assisted Conception Unit at King's College, London, to make the arrangement for a woman who has lost her uterus. It is believed to be the first NHS surrogacy. Many health authorities refuse to pay even for in-vitro fertilisation.

The news came as the British Medical Association, which used to advise doctors to have nothing to do with surrogacy, issued ethical guidelines which acknowledged the growing public acceptance of the practice. Dr Fleur Fisher, head of the BMA's ethics committee, said: "This is still a technique that

can be very helpful to some couples." John Parsons, head of the King's College unit, said it was right for the NHS to pay for surrogacy as a last-resort treatment. The district health authority, from the south of England, would need to pay for psychological assessments, the collection of eggs, the in-vitro fertilisation, monitoring, counselling and insurance for the surrogate mother.

The NHS would be expected to pay the surrogate's expenses, usually between £7,000 and £10,000. Mr Parsons declined to say which health authority was involved but confirmed it was a "full" surrogacy, using the egg and sperm of the couple to create an embryo to be implanted in a surrogate's womb.

"Partial" surrogacies are usually do-it-yourself arrange-

ments when the surrogate mother inseminates herself using sperm from the prospective father. The BMA estimates that there are fewer than 100 cases of surrogacy each year but believes the numbers are growing.

A small study of surrogate mothers had shown that 75 per cent reported depression. "While surrogate mothers appear to be more detached from their foetus than is usual, they may come to love the baby by the ninth month," says a report published yesterday. "Even if she does relinquish the child, feelings of pain, anger and guilt might persist for a very long time, and be coupled with fears that the child was not being properly loved and cared for."

Body and Mind, page 12

Wakeham called in over tunnel debts

By JONATHAN PRYNN, TRANSPORT CORRESPONDENT

A FRENCH court has appointed Lord Wakeham, the former Cabinet minister, as a mediator in the dispute between Eurotunnel and the 225 banks to which it owes more than £8 billion.

With Robert Badinter, a former French minister of justice, he will try to find a deal that will save the company from financial collapse. The two men were appointed under a French procedure designed to protect employees when a company is deemed close to insolvency.

Eurotunnel has already stopped paying interest on its borrowings and could be forced into receivership by March next year, if it fails to agree a financial restructuring by then. The mediators will interview representatives of all those with a financial interest in Eurotunnel's survival, in-

cluding shareholders, bankers, management and staff. It is likely to report in the summer, but cannot force an agreement on the company.

Sir Alastair Morton, the British chairman of Eurotunnel, insisted last night that the appointments by the Paris based Tribunal de Commerce were a "positive development" that could break the logjam in the talks. He said: "In no sense is this a stage of insolvency. It is a court procedure that is pursuing an agreed reorganisation. This is the friendly route."

He said there was "no threat" to travel concessions enjoyed by shareholders. "Of the 420,000 shareholders who have them, over 300,000 expire in November. They must use them before then."

Vital talks, page 23

Limbo, frustrating eighth age of the not-yet-old

By NIGEL HAWKES
IN BALTIMORE
AND NICK NUTTALL

FORGET the seven ages of man. An American psychologist has invented an eighth, which she calls limbo.

An increasing number of people enter limbo when they leave their jobs. Too young to retire, they are caught between two worlds: their full-time careers are over, but they have yet to enter old age. Many are frustrated

by the lack of options open to them. Professor Phyllis Moen, of Cornell University, told the American Association for the Advancement of Science yesterday that she had studied a random sample of 762 men and women between the ages of 50 and 72, two fifths of whom were still working. Among those who had retired, she said, "we are finding many of these seasoned citizens find themselves in limbo. They have skills, education, good health and financial resources,

yet to a great extent existing structural arrangements limit their options."

"We have changed the behaviour of people and their health, but we have not changed the cultural convention that equates retirement with leisure. Most of these people would like to work less, but not retire."

The issues of ageing are likely to intensify with increasing longevity, according to British scientists. British organisations said yesterday that limbo-age issues were starting to be ad-

dress. Age Concern said it was setting up Age Resource advice centres where staff would try to match the skills of fit and active older people with local skill shortages.

Stanton Watts, of Voluntary Service Overseas, said that, from being an organisation for school and university leavers, it was now encouraging people as old as 70 to join. "Some have skills which are no longer needed here. But in the developing world they can be life-saving," he said.

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After the shattering blast, a quiet unity

Since the Northern Ireland peace process began it has become commonplace to remark on the change in attitude there. If John Major can take any credit for this he can take credit, too, for a change that has been less noticed. There has been a transformation of MPs' approach in the Commons where Ireland is concerned.

They received yesterday's statement in a manner which those who recall how Ireland used to be discussed would recognise as a quiet revolution. Gone were the bitter and inflammatory knee-jerk responses from Ulster Unionists. Gone were the platitudes about evil, the flag-waving



and sabre-rattling, once characteristic of Tory backbench reaction. Gone was the naive sympathy with which many Labour MPs used to swallow nationalist propaganda.

In their place we heard from every side the sort of careful and informed reaction one might expect from an assembly composed entirely of junior ministers. MPs seemed genuinely to be trying to be calm the situation. It was most unusual.

The Prime Minister is at his best when guiding the Commons through danger. Never a great rallier for the attack, he rallies for defence with skill. Speaking with quiet informality he reminded the House both of the perils but also of

Northern Ireland Secretary) wished the PM well. Mr Major thanked both.

For the Unionists, John D Taylor (UUP, Strangford) was flexible. Mr Major was attentive. The Rev Ian Paisley (DUP, Antrim North) rumbled but, helpfully, failed to erupt. Major thanked him. To a buzz of interest, the SDLP's John Hume buried his anger and proposed a preparatory referendum. Major promised to consider it.

Paddy Ashdown had a slight quibble. Major overlooked it. Peter Shore urged him forward. Major was obliged. Labour's Bridget Prentice (Lewisham East) and Mildred Gordon (Bew and Poplar) offered soprano and

Revised ERM may herald the euro

Europe's leaders are planning a new exchange-rate mechanism as part of moves towards a single currency. Theo Waigel, the German Finance Minister, says today. In an article in *Parliamentary Review* underlining Germany's backing for a core group of European Union countries to forge ahead with a single currency by 1999, Dr Waigel says that the Madrid summit in December backed the idea of a revised ERM as a bridge to the euro for countries that did not sign up at the start.

However, the Treasury said that the summit communiqué says that member states simply decided to conduct a study of the future relationship between countries inside EMU and those outside. France hints at delay, page 11

Winds bring power cuts

Winds gusting at 80mph damaged power lines in Devon and Cornwall yesterday, leaving 4,000 homes without electricity. A barn on a farm near Stithians was ripped down to prevent it being blown into a nearby road. A typhoon was thought to have ripped the roof off a house in Royston, Hertfordshire, and damaged roofs in nearby streets. A search was under way last night for an unnamed climber missing after being swept down a mountain by an avalanche in the Highlands. Forecast, page 22

Boy on murder charge

A 13-year-old boy was remanded into the care of social services yesterday charged with murder after a teenager was stabbed to death in a row with friends. Richard Dufoury, 16, died on Saturday night from a single wound to the chest from a broad knife at Chiddesden, Derbyshire. A 15-year-old and a 17-year-old were charged with violent disorder and released on bail by Derby magistrates sitting as a youth court. All four youngsters lived locally and attended the same school.

Army recruitment bonus

Thousands of soldiers are being issued with bounty cards that could earn them £250 each if they recruit a friend. The "satisfied soldier" card scheme is the latest move by the Army to boost recruiting in the face of an alarming shortage of front-line troops. A shortfall of 2,000 is expected this year. Cards are being handed out to potential recruits of all ranks in undermanned units. The first two soldiers, a Guardsman and a member of the Royal Anglian Regiment, have already received their payments.

Church lottery dilemma

Some parishes and churches will be forced to seek lottery cash, despite recent criticism of the National Lottery by senior members of the Church of England, the General Synod was told yesterday. The Rt Rev David Sheppard, Bishop of Liverpool and chairman of the Church's Board of Social Responsibility, said he believed the lottery was here to stay, but "we believe it could be better regulated and that there are some regulations which would be better put in place".

Raffle couple guilty

A couple who offered their Lake District cottage in Great Langdale as the prize in a raffle found themselves in trouble when they failed to sell enough tickets. The woman who won was offered cash of just over £1,000 instead of the £150,000 home. Andrew Barnett, 50, and his former wife Elizabeth, 40, admitted at Carlisle Crown Court stealing £1,022 from some of the people who bought tickets. They will be sentenced next month. Twelve charges of obtaining money by deception were withdrawn.

Juror jailed for fraud

A juror who swindled more than £3,000 in false expense claims during one of Scotland's longest-running trials was jailed for six months yesterday. Glasgow Sheriff Court was told that Thomas Young, 35, of Haghill, Strathclyde, said that he earned £200 a week at a restaurant but he worked there only on a casual basis. The six-month trial held at the Sheriff Court in 1994 came close to being aborted when two other members of the jury were also dismissed for expenses fraud.

Jail hostage inquiry

Prison staff began an inquiry yesterday into how two inmates were able to get a craft knife and hold a prison auxiliary hostage for nine hours at a top-security prison. The male auxiliary was released unhurt after being held in a cell at Whitmore prison in Cambridgeshire by two men serving lengthy sentences.

Baseball bat victim

A passenger in a car who died after being beaten with a baseball bat by another motorist was the victim of an unprovoked attack, police confirmed yesterday. Peter Swales, 39, was attacked on Friday by a man after an argument near Pontefract, West Yorkshire. He never regained consciousness and died two days later.

Take That split denied

The top-selling pop band Take That is to issue a statement today after speculation about its future. Anguished fans bombarded the band's record company yesterday after press reports that the group would split after one final tour. The reports were denied by the record company RCA, which said they were "completely unfounded".

Allison falls foul

Malcolm Allison, the former soccer manager, has been sacked as a radio commentator after complaints about him swearing on air. Mr Allison, who used to manage Middlesbrough, was working for Tyneside-based Century Radio when he swore as Newcastle United's Les Ferdinand scored the winner against Middlesbrough on Saturday.

Homework guidelines criticised

Labour proposals lack substance, say head teachers

By JOHN O'LEARY, EDUCATION EDITOR

HEAD teachers of secondary schools condemned Labour's policies for raising standards as an "uncomfortable mixture of the naive and the messianic" yesterday.

In a withering critique of proposals launched by Tony Blair last December, the Secondary Heads' Association accused Labour of putting political considerations before educational objectives. Most of the planned initiatives lacked substance or were "trivial" attempts to offer an alternative to government policy.

The head teachers criticised the degree of centralisation in Labour's blueprint for schools and expressed alarm at the prospect of renewed control by local authorities. John Dunford, the association's president, said: "This suggests Labour is coming in thinking it can legislate every problem out of existence."

Labour leaders dismissed fears of a revival in town hall power over schools and insisted that their proposals were based on the best research and "sound good practice". Pri-

varily, some accused the association of jibbing at its tough line on failing schools and incompetent teachers.

The dispute provided the first challenge to Labour from the teaching profession, which has opposed many of the Government's reforms. The association said it welcomed the philosophy behind the policy document, *Excellence for Everyone*, but found few positive ideas.

Among the proposals attacked by the head teachers were the speeding of dismissal procedures for poor teachers, official encouragement for streaming by subject, the introduction of national homework guidelines and the involvement of local authorities in school development plans. John Sutton, the general secretary, appealed for schools to be given a period of stability to make existing schemes work.

Mr Sutton said Labour's embargo on spending commitments was hampering the development of detailed policies. The association was also worried by the "somewhat punitive approach" to dealing with bad teachers.

But the association's greatest concern was in the lack of clarity in Labour's plans for the role of local education authorities. Some proposals for dealing with failing schools were "intrusive" and any revival of powers removed under Conservative rule would demotivate teachers.

Peter Miller, its deputy president, said many able people had left local authorities as the "bodies" powers had declined. "There is serious concern about the calibre of people who are working in LEAs now. Many would not command respect in schools," he said.

Speaking on BBC Radio 4's *The World at One*, Estelle Morris, Labour's education spokeswoman, said Labour had made clear spending commitments, including the promise that no child aged under seven would be taught in classes of over 30. She denied that Labour had any plans to re-impose LEA control.

Major's internal critic to lead from the back

By NICHOLAS WOOD, CHIEF POLITICAL CORRESPONDENT

JOHN MAJOR suffered a setback last night when one of his critics was elected leader of the backbench Tory Right. John Townend, MP for Bridlington, narrowly defeated a challenge by Neil Hamilton, a former minister, for the chairmanship of the 92 Group. Mr Townend, who publicly backed John Redwood in last year's leadership contest, confounded predictions that he would be punished for his past disloyalty.

Mr Hamilton was put forward as the "establishment candidate" in the battle between two right-wingers with similar Euro-sceptic, free market views. The 46-year-old MP for Taiton drew support from loyalists and Young Turks impressed by his strong Thatcherite credentials.

But Mr Townend's power base among the Euro-sceptic old guard in the 92 Group proved decisive. He was backed by most of its five-strong steering committee and gained his reward for 12 years as the group's secretary. Mr Townend, 61, is a confidant of Sir George Gardiner, another of Mr Redwood's supporters.



John Townend, who defeated Neil Hamilton for the chairmanship of the Conservative 92 Group

who was elected to the steering committee when he stepped down after 11 years as chairman.

Conservative MPs have curbed their appetite for internal intrigue and rebellion as the general election approaches but Mr Major still faces stiff tests — over the Scott report on Thursday, the Europe White Paper next month, the local council elections in May and the economy. The Prime Minister will be hoping that Mr Townend and his allies will not rock the boat.

The 92 Group's influence has been weakened by the disparate opinions in its ranks and its tendency to act as little more than a talking shop. Mr Townend said: "The 92 is the biggest backbench grouping and my aim, with the help of the committee, will be to increase the influence of the Centre-Right in the party."

Small firm gives Tories a big boost of £114,000

By ANDREW PIERCE

A LITTLE-KNOWN family building firm has made a surprise £114,000 donation to the Tories at a time when corporate donors have been deserting the party. The donation from J.J. Gallagher, a Birmingham-based building company, has dwarfed the contributions of some of the party's biggest commercial supporters.

Directors of the private company, which employs 40 people in its Bordesley Green headquarters, were reluctant to discuss the donation, which has upset Midlands trade unionists.

In the past the company has been better known for its passionate support for Wolverhampton Wanderers football club rather than for John Major. The family sold the club for £2 million to Sir Jack Hayward in 1990.

Tony Gallagher, the company chairman, said last night: "There are many others in the country who donate money privately and don't have to reveal it."

The company has been a staunch but less generous supporter of the party in the past. It gave £12,000 in 1991 and £10,500 the following year. Last year the company made a profit of £7 million.

Mr Gallagher, the son of the late founder, who comes from Co Mayo, said: "We make all the necessary disclosures about any donations we make. The amount has not necessarily increased. There is a history of this company supporting the Conservative Party. If you do it through your company you have to disclose it — if you do it privately, you do not. It is private. We are a very low-key company."

Bob Shaw, Birmingham district organiser of the Transport and General Workers' Union, said: "They are giving the Tories £114,000 for political purposes. We are amazed as anyone else that a firm which is really small fry has given such a large sum."

The construction industry has been gripped by one of the most protracted recessions in living memory with tens of thousands of workers on the dole. The company has been involved in a number of big retail contracts in the Midlands. John Partridge, spokesman for the Transport and General Workers' Union, which covers builders — said: "You expect this from merchant banks but it is unbelievable from a building firm."

Company donations to the Conservative Party have slumped by a third in the past five years.

Major keeps peace hopes alive

Continued from page 1

that he would continue to see support for the election idea. He stressed that it would have to be broadly acceptable and that it would be strictly time-limited. Any suggestion of a return to old-style Stormont rule was "manifest nonsense".

But when asked whether he had taken note of Mr Bruton's criticism of elections as "pouring petrol on the flames" he replied: "That is a matter under discussion, and I think we will be able to reach an amicable agreement."

Mr Major said that the Docklands bomb might not be the last atrocity; more might follow on the mainland and in Northern Ireland.

Mr Adams later condemned Mr Major for breaking ministerial contact with Sinn Féin. He said: "We are back to the old agenda. It didn't work for 25 years; marginalising, isolating people didn't work. What worked was dialogue, what worked was people trying to move the situation forward. The big lesson of the past 18 months is that unless John Major is part of the partnership to build peace, then we are all doomed."

Sinn Féin is not surprised by Britain's decision to cut off

ministerial contacts. However, the party was deeply concerned by a similar move made by Dublin on Saturday.

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School criticises hotel where drink was spiked

Head advises parents to ban children from raves

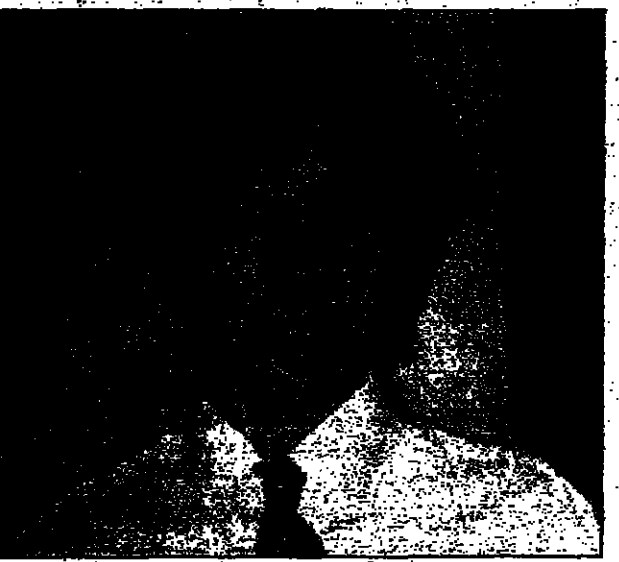
By PAUL WILKINSON

A HEADMASTER warned parents yesterday to keep their children away from rave parties after a schoolboy was left in a serious condition when his lemonade was spiked with drugs. Neville Tate, headmaster of Yarm School, Cleveland, told parents that allowing their children to go to raves could result in death.

More youngsters are expected to attend events over the next few days at the Hardwick Hall Hotel in Sedgefield, Co Durham, where James Fountain, 16, had a drink laced at a party ten days ago.

He is in a serious condition in a psychiatric unit, semi-conscious, unable to recognise his parents or hold a conversation for more than five seconds. Scientists have yet to determine what was put in his drink. Tests have confirmed that the substance was not heroin, amphetamines or opiates but it will be some time before more complex tests can determine whether it was Ecstasy or LSD.

Mr Tate wrote to the parents of his 500 senior pupils, accusing the party's organisers of negligence. "The occasion was not private and was run wholly without appropriate supervision or effective control," he wrote. "As a consequence of this negligence some very undesirable people gained admission and it appears one of them may have



James Fountain: may have been drug dealers' target

slipped a powerful drug into a drink which James consumed. "I understand that further dances in a similar vein are scheduled to take place at the same venue. Doubtless you will wish to give serious thought to the suitability of these dances as far as your son is concerned."

"It appears that little or nothing was done to comply with the law on under-age drinking and Yarm and other schools whose pupils were present will be encouraging the police and the licensing authorities to look closely into this and other aspects of the

hotel's conduct. "A police raid on the hotel last Friday resulted in the seizure of cannabis, Ecstasy, steroids and syringes, as well as CS spray, a knuckle-duster and an imitation firearm. Three men in their 20s and three 16-year-olds were detained and later released on police bail until next month. Staff at the hotel declined to comment, nor would its owner, Ramsdale Estates of Durham.

Police said that James, from Hartlepool, Cleveland, had, in effect, been on "a week-long trip" and doctors were fearful that he might never recover

fully. Police believe James was targeted by drug pushers at the party after he either contacted them or warned fellow pupils to keep away from the dealers. His parents told police that their son was vociferous in condemning the use of drugs.

About 300 teenagers from independent schools all over the North East paid £6 each to get into the party, organised by a sixth-former from Barnard Castle, a public school in the region. The youth was questioned by detectives last week.

Several pupils from public schools are known to make a substantial profit by organising such events. They start at about 7.30pm and finish before midnight. A DJ is hired to provide dance music and, although alcohol is not provided, the venues all have licensed bars. Publicity is circulated within the public school network but tickets are often also sold on the door.

James's parents, Christopher and Barbara Fountain, thought their son was drunk when friends took him home from the party. The next morning they realised it was not alcohol and took James to their GP. He was taken to Hartlepool General Hospital and transferred to the specialist psychiatric unit at St Luke's Hospital, Middlesbrough. His parents have been at his bedside ever since.



Sharon Phillips, a senior health physics technician at San Onofre, with the kittens

Wanted: homes for atomic kittens

FROM GILES WHITTILL IN LOS ANGELES

FOUR kittens born inside a nuclear power plant have been cleared for rehoming after being decontaminated of heavy doses of radiation.

Alpha, Beta, Gamma and Neutron were born after their mother crept under barbed wire fences and evaded infra-red beams to seek privacy at San Onofre nuclear power station on the Californian coast.

Despite a rigorous post-control programme, the four black kittens roamed the plant undetected for three weeks. Engineers then found them by a defunct reactor, and tried to carry them to freedom without notifying plant officials.

The plan foundered when alarm bells rang at the decontamination monitors through which all workers must pass every day. Geiger counters registered high levels of radioactive caesium and cobalt in the kittens' fur. They were surrendered to specialists who washed them, tested their secretions and gave warning that they might never be completely radiation-free.

Although they were exposed to the equivalent of six X-rays, the kittens showed no ill-effects. On Sunday officials said they would probably be free to leave the plant within 65 days, prompting bids from would-be owners throughout America.

Top schools order urine tests for drug offenders

By DAVID CHARTER, EDUCATION CORRESPONDENT

LEADING independent schools have ruled out random drug tests but a growing number are introducing regular urine tests as a condition of readmitting known users.

Guidance sent to the 240 schools in the Headmasters' and Headmistresses' Conference also suggests that pupils caught with cannabis should be given a second chance. The advice was drawn up by a committee of the conference. Its 240 schools include Eton College, Millfield in Somerset and Wellington College, Berkshire, which all expelled pupils last year in drugs

incidents. Keith Dawson, headmaster of The Haberdashers' Aske's School in Hertfordshire and chairman of the committee, said that boarding schools were more likely to introduce testing as part of a rehabilitation regime agreed with parents and the pupils.

"We know drug-taking is part of youth culture. I think people will move away from the first frozen response into saying we must understand it and do something more positive," he said. "Drugs-testing will be used to support people who want to move out of

drugs. It would never be used randomly, which would be wrong morally and probably legally."

Research at Exeter University last summer among 50,000 teenagers showed that a third of boys aged 15 and 16 and more than a quarter of girls in that age group had tried cannabis. Amphetamines or "speed" had been tried by 11.2 per cent of the boys and 9.5 per cent of the girls. Two school years earlier, one in ten children aged 13 and 14 had tried cannabis.

Sevenshoe School, Kent, readmitted nine senior pupils suspended for drug-taking provided that they took urine tests ranging from twice a week to once a month. None of the pupils, who left last summer, tested positive.

A growing number of schools are writing a drugs-test clause into their contract with parents so that they can ask a student to undergo analysis if there are well-founded suspicions.

In the past 12 months Eton expelled a boy and suspended another for possessing Ecstasy and four sixth-formers were arrested in March after one was found with cannabis. Last summer, three boys were expelled from Wellington College, four were suspended from Westminster School, London, and two were expelled from Millfield. Three were expelled and 19 disciplined at Pangbourne College, Reading.

Magnus Linklater, page 14

Ecstasy 'can devastate brain, heart and liver'

By DOMINIC KENNEDY

USERS of Ecstasy risk serious irreversible damage to the brain, heart and liver, according to research published today. Doctors in Sheffield studied the tissues and organs of seven men aged 20 to 25 who died from taking Ecstasy and a similar drug.

All of their livers had undergone dramatic changes, ranging from large areas of dead tissue to jaundice. Five of the men had similar damage to the heart. Three had swelling, internal bleeding and damaged neurones in the brain. Changes seen in body tissues may have been caused by the toxic

effects of Ecstasy. "The short-term risks of Ecstasy use are becoming increasingly more apparent and questions must be asked about the long-term effects on the brain, liver and heart, considering the pathology in those who die," a report in the *Journal of Clinical Pathology* says.

Doctors from Sheffield University and the city's Royal Hallamshire Hospital say in the report that they estimate more than 500,000 people use Ecstasy in Britain each week. The mixture of materials used to make tablets increased the possibility of toxic contaminants.

Court orders Scots girls to join father in France

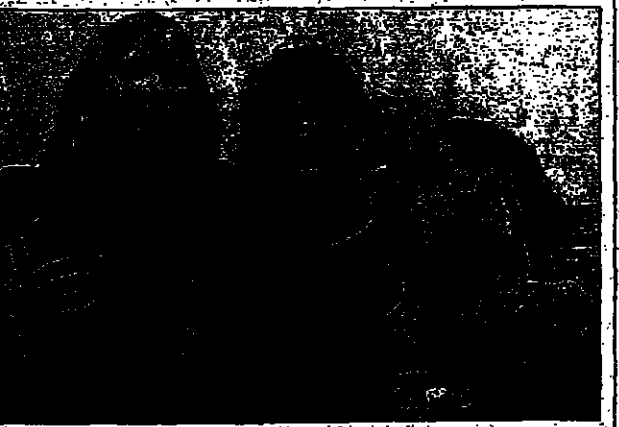
By GILLIAN BOWDITCH

TWO young girls at the centre of a custody battle have been ordered to return to their father in France, despite their pleas to stay in Scotland with their mother and younger brother.

Fiona Cameron, 36, who has been ordered to return her daughters Rachael, 7, and Sasha, 5, to their father Robert Cameron, 41, near Bordeaux in a fortnight, said she was "devastated" by the ruling. She said Rachael had been crying herself to sleep at night with the worry of the case.

Yesterday, Lord Hamilton, sitting at the Court of Session in Edinburgh, ruled in favour of Mr Cameron, an archaeologist, and ordered the girls' return to France. Last July the same judge ruled in favour of the mother.

The Court of Session heard that Rachael and Sasha wanted to stay with their mother and brother, Hamish, 3, in Portmahomack, Highland. Rachael said: "I want to stay because I love my pony Snowdrop so much. I love my teacher and my school." She said she had forgotten most of



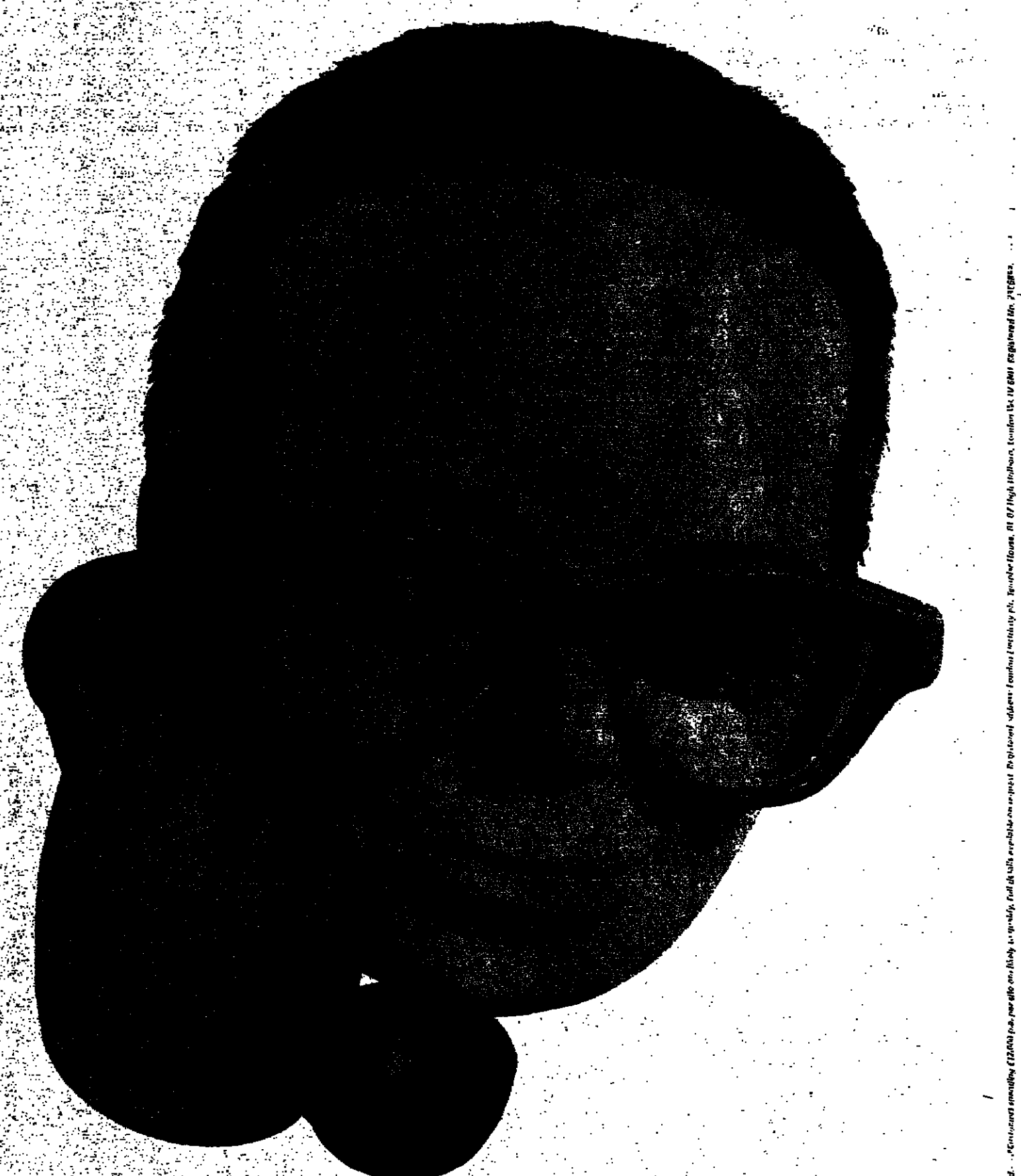
Sasha, left, and Rachael with their mother Fiona

her French and found the language difficult at school. Her mother claimed the children had lived in France for a total of only three months. Mrs Cameron said they would be in an "intolerable situation" if they were forced to return and that they would suffer psychological harm.

Yesterday, after hearing she had lost her case, Mrs Cameron said: "I can't believe that any legal system would want to separate two sisters from their brother. They are devoted to each other." She will consult her solicitor in the next few days to see if there is any further action which can be taken. "I am dreading going to court using a language I don't understand in a country I don't live in to decide the future of children born in Scotland," she said.

Lord Hamilton pointed out that Mr Cameron was prepared to move out of his home in France and live near by so that the children and their mother could live in the house.

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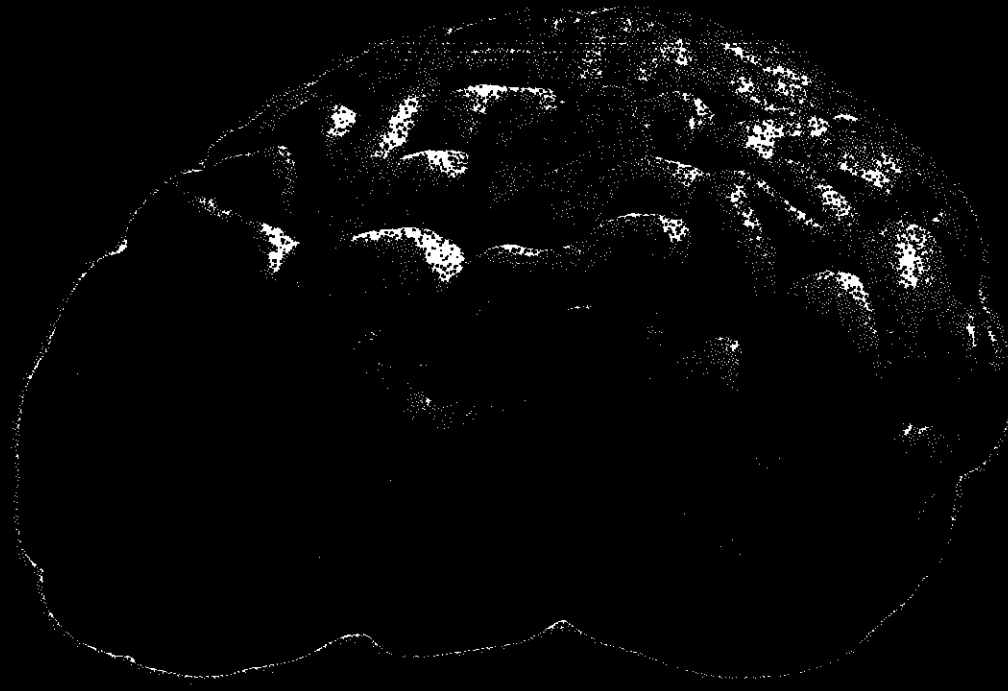
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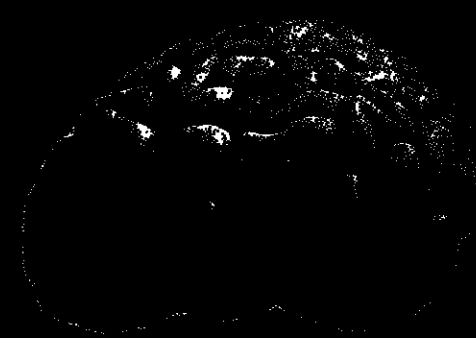
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EUROPEAN



ASIAN



RACIST



Fifty years on, German returns to homeland for silver hidden in last weeks of the war

Count recovers the treasure he buried in face of Russian advance

By DALYA ALBERGE
ARTS CORRESPONDENT

A GERMAN count has unearthed a hoard of silver he buried more than 50 years ago as a teenager fleeing with his family from the advancing Russian forces.

Count Alexander zu Lynar-Redern, 67, a retired manager of the Lufthansa airline, recalled yesterday how he buried the treasure at night as the Second World War drew to a chaotic close. It was hidden hours before the Soviet troops moved into Görzsdorf, the castle and estate about 30 miles northeast of Berlin, in which his family had lived for 300 years.

The treasures included a 120-piece silver dinner service made by Odier of Paris in the 1830s and Meissen porcelain off which European royalty ate in the 19th century. The count, who lives in Nice with his French wife, will sell them through Sotheby's at a series of sales in May and June for an estimated £150,000.

On April 20, 1945, the count and his mother, Princess Victoria — who had been widowed in 1934 — were preparing to flee with other families in German villages near the River Oder. A tractor



and two trailers on which they were planning to escape had room only for people, not possessions: they were taking 30 of their faithful estate workers with them.

The count said: "The Russians were very close. The sky was lit with artillery. I was afraid that I'd get hit by a grenade and I'd be buried. With their gamekeeper, coachman and an estate worker, they packed their best silver and porcelain into wooden crates."

They loaded them on to a horse-drawn cart and drove into the forest where they dug two deep holes. They lowered the crates into them and covered the area with leaves and branches. The count, who had hepatitis and was too weak to dig, recalled how they felt like "old-fashioned pi-

rates". They wrapped each precious object in newspaper, and used stone hunting markers along the forest track as guides.

The silver was placed in one hole, the porcelain in the other. The count drew a map, determined to retrieve the treasure one day.

Five days later, he and his mother told the estate workers to grab their most precious possessions. They fled. Within 24 hours, the Soviet army arrived at Görzsdorf. The building and its contents were quickly destroyed.

"My mother believed she'd come back after six months," he was sure it would take longer, but not 50 years. He kept the yellowing piece of paper with him wherever he went: it was all that was left of his heritage.

It was not until June 1995 that he was able to return. Görzsdorf had been expropriated by the Communists; the forest had become the private hunting ground of General Mielke, head of the Stasi, the East German secret service. The general regularly hunted over the land under which the treasure was buried.

Unification and the fall of the Berlin Wall in 1989 made it possible for the count to return. He was told after lengthy negotiations that the land would not be returned but that he could keep "portable things".

He enlisted the help of Gregory Mills, a professional treasure hunter. The forest, mainly fir trees, had changed so much in half a century that they could not rely on the map.

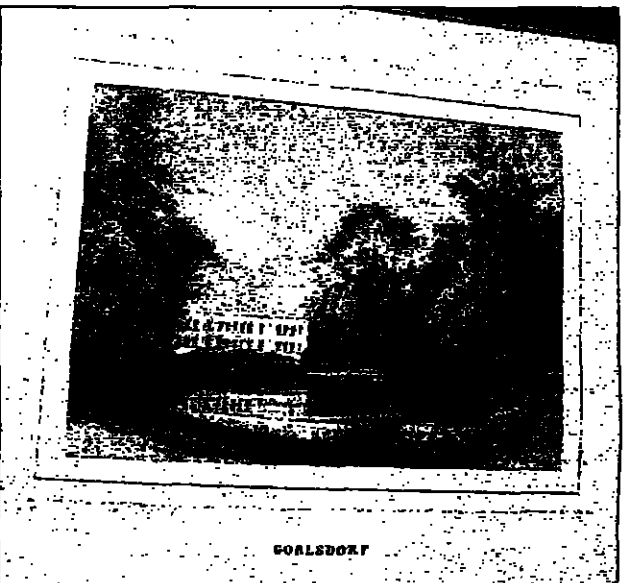
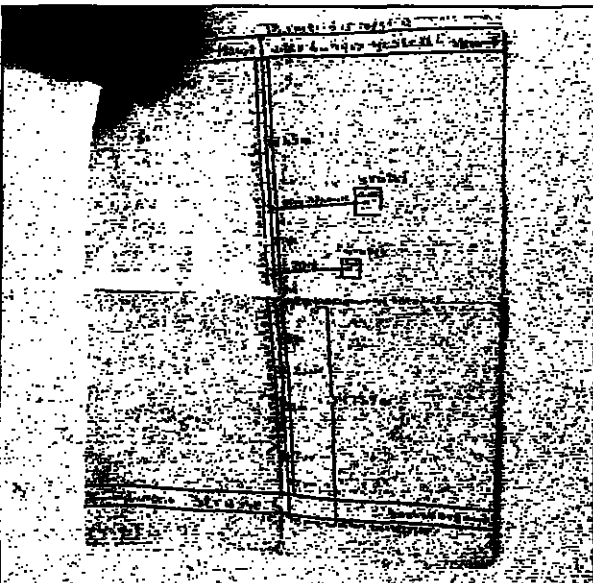
The count's markings narrowed their search to a radius of 200 metres, but the treasure was some two metres below ground. With complex detecting equipment, they found the exact spot within 90 minutes. The count recalled how, as they started digging, "we heard a little click. That was the first sign."

Mr Mills said: "It was an emotional moment. His sister and nephew were with him. It was all that remained of their childhood."

The wooden crates had disintegrated and much of the porcelain had broken under the weight of sandy soil above



Count Alexander zu Lynar-Redern at Sotheby's yesterday with the Odier silver dinner service, recovered with the aid of the map, below left, that he drew as a 16-year-old before his family abandoned Görzsdorf, the family home about 30 miles from Berlin



End of the search: Gregory Mills recovering part of the silver hoard buried more than 50 years ago

it. But several hundred pieces remained intact, saved because they had been stacked vertically.

Some of the silver was covered in verdigris, a greenish coating caused by damp conditions, and bits of old newspaper that had attached itself to the items: all can be restored.

Mr Mills, European manager of Geophysical Survey Systems, specialises in find-

ing archaeological treasure. The company manufactures radar systems for subsurface detection.

Rumours of buried treasure had long circulated among villagers near the estate. The count said: "I thought someone might have found it." But the three men who had helped to bury it kept their secret to the end. The count tried to trace his former staff but all three had died and he was

unable to track down any of their relatives.

The Odier silver service was ordered from Paris by Count Wilhelm von Redern, to celebrate his marriage to Hertha von Jentsch in 1834. Von Redern, a prominent figure in Berlin society of the day, was chamberlain to the King of Prussia, Friedrich Wilhelm IV.

The present count has kept a few items as "a souvenir".

To clean a silver service of this size, he noted, "you must have servants".

Harry Charteris of Sotheby's said: "To find an Odier service is a rare occurrence. To find one that has been buried for 50 years is incredible." It is expected to fetch about £65,000 in Geneva on May 13. It is inscribed with the von Redern family coat of arms. The remainder of the silver, mainly 19th-century

household items has estimates ranging from £40 to £1,500, and will be sold in London on May 30.

The 19th-century Meissen porcelain includes one service of 134 pieces and another of 119 pieces. It will be auctioned in London on June 4. The proceeds will be divided between the heirs of Princess Victoria zu Lynar-Redern.

Leading article, page 15

Cancer charities vie for share of sunbathers' cash

By DOMINIC KENNEDY

TWO leading cancer charities have launched Britain's first charity sun lotion.

The Cancer Research Campaign described its factor-20 sun protection lotion as a "British first". The Imperial Cancer Research Fund, said that its four lotions, a spray and a moisturiser, all using the new Sun Safe label, made it "the first UK charity to develop its own range of sunscreen products".

The rivalry means that holidaymakers will this summer be spoilt by a choice of charitable options. Profits on the products will go to research. Both labels give medical tips on skin care, and each charity said it had been helped by Boots the Chemist.

The Cancer Research Campaign assembled an impressive array of champions to endorse its lotion: two professors, a doctor, an Australian advertising man (to talk about skin-cancer campaigns) and the buying and marketing controller for beauty and personal care at Boots the Chemist.

There is little to choose between the products on price. The Cancer Research Campaign has only one, called the "Cancer Research Campaign Sun Protection Lotion", which will sell at £2.99 for 200ml and £11.49 for 400ml. It has a sun protection factor of 20 (allowing sunbathers to stay in the

sun for 20 times as long as without the cream), comes in plain blue bottles and has been launched without any advertising.

The lotion was originally developed by the Australian Cancer Society of Victoria and has been made in Britain by Standard Soap of Stelmers-Affe, Lancashire.

The Imperial Cancer Research Fund has a range of products marketed under the label "Sun Safe". They have white labels, contrasting with the usual browns or oranges preferred by makers of sun creams.

The fund's "daily sun cream" offering a protection factor of 15, costs £8.95 for 250ml and £12.99 for 500ml. There is a mild factor-25 sunblock for children, costing £9.49 for 250ml, a £5.99 factor-25 stick and a moisturiser or "daily cream" costing £4.99 for 250ml. The products are made by Boots Manufacturing.

Both charities are copying the tactics of the Australian Cancer Society, which has boosted funds by gaining 25 per cent of the Australian sun-lotion market.

Dr Julia Newton Bishop, of St James's Hospital, Leeds, said she suggested the idea to the Imperial Cancer Research Campaign six years ago. Only now was the public ready to accept such a product on the market.

The Cancer Research Campaign's lotion will be on sale from the middle of March while consumers will have to wait until April 1 to try the Imperial Cancer Research Fund's range.

Advertising switch cost council £130,000

A COUNCIL'S decision to stop advertising with Times Newspapers and change to The Guardian has been strongly criticised by the district auditor, who found that the switch cost £130,000 in court and higher advertising fees.

After a six-year investigation, Keith Stanton, the Midlands district auditor, has decided that there was no wilful misconduct by councillors or officers which caused the loss and no one is to be sanctioned.

The advertising switch was agreed in 1989 by Labour-controlled Derbyshire County Council after The Sunday Times ran two articles critical of David Bookbinder, council leader at the time.

It was Sir Frank Fraser Darling, the British scientist, who drew attention in 1969 to the possibility of deforestation and fuel emissions melting the polar ice caps (article, February 9).

Although the Law Society has had problems with a new computer system (report, February 7) all solicitors practising certificates remain valid, and applications from those seeking a first certificate are being processed by hand. We accept that the Law Society is not in breach of its statutory responsibilities.

Cusard has not yet announced its millennium plans for the QE2 (report, February 9), and the American-based Millennium Society has no booking with Cusard.

National Trust unveils futuristic plan for the past

By MICHAEL HORNSBY, COUNTRYSIDE CORRESPONDENT

THE National Trust is bidding for £11.35 million of National Lottery cash to mark the millennium by installing computer-based information systems at 30 of its most visited sites.

The trust says the scheme will "revolutionise the way information is presented in the 21st century, dramatically improving the enjoyment, education and entertainment offered to visitors".

The trust will be competing for funds with the Countryside Commission, which unveiled plans yesterday to spend £67 million buying blocks of land and creating 1,000 new public open spaces, or "greens", by the turn of the century. It hopes to get National Lottery money to cover half the cost.

Richard Simmonds, chairman of the commission, which advises the Government on countryside and landscape matters, said: "Our objective is to provide local open spaces — a green lung — to communities which have none at present."

"The whole idea is very exciting. A thousand new recreational areas on the steps of the local community would benefit a tremendous number of people, and wildlife too."

Martin Drury, director-general of the National Trust, said: "This is a project about revelation and discovery. The project seeks to weave a tapestry of information, enabling people of all ages to discover the great wealth of natural and man-made treasures in the trust's care."

If the money is forthcoming,

it will represent half the £22.7 million which the trust, and its sister organisation in Scotland, will need to get the project, "A Thousand Threads", off the ground.

The trust hopes to raise the rest of the money from the European Union, business partners and educational trusts and foundations. The aim is to use CD-Roms, virtual-reality and interactive multimedia displays to bring to life the history of properties.

Four properties have been chosen to demonstrate the concept: Avebury, the prehistoric henge and stone circle in Wiltshire; the ruined Fountains Abbey in Yorkshire, which dates from a Benedictine foundation of the early 12th century; Cragside in Northumberland, a 19th-century mansion which was the first in Britain to be lit by hydro-electricity; and Snowdonia in North Wales.

At Avebury a "virtual reality walkway" housed in an ancient barn will "peel back the various historical layers of this large-scale and complex site". Archaeologists recently found evidence of a burial mound indicating the site was in use before 3000 BC.

If the project wins the support of the Millennium Commission, work on the project could begin by the end of this year and all 30 sites could be completed by 2000.

The trust owns 201 historic houses, 233 gardens and public parks, 381,000 acres of farmland and 535 miles of coastline. In 1994-95, some 10.8 million people visited trust properties.

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SDLP leader calls for referendum as main parties voice support for Major's campaign

Let the people show their will for peace, says Hume

BY ALICE THOMSON AND JAMES LANDALE

JOHN HUME, leader of the nationalist SDLP, yesterday condemned the IRA bombing in London as "a terrible atrocity" and called for an all-Ireland referendum on the peace process before the end of the month.

He told MPs that the people of Northern Ireland had shown a "massive will for peace". Referendums should be held in the republic and in the North asking people if they unequivocally disapproved of violence and if they wanted all parties to begin negotiations.

"I think that one of the best ways forward now is to let the people speak and let them speak very clearly," he said. "Because if they do, neither the IRA nor anybody else will be able to ignore them."

Tony Blair, the Labour leader, responding to John Major's statement, emphasised his support for the Government's approach.

"Whatever the political differences between myself and the Prime Minister, on this we shall stand four-square together in the cause of peace," he said. The attack might have been a tactical move by the IRA, but for the victims it was a matter of life or death, he added. "There can be nothing but the most profound contempt for those who will butcher wholly innocent people in the pursuit of any such strategy, whatever it is."

Mr Blair said that Sinn Féin represented only a small section of the nationalist community and must accept peaceful methods if it wanted to join talks. "That is the only conceivable course that any British Government could conceivably justify."

John Taylor, deputy leader of the Ulster Unionists, joined Mr Major in condemning the IRA atrocity. He said that the inevitability of another terrorist attack had grown as Sinn Féin rejected the Downing Street Declaration, failed to approve the six-prin-

DEBATE

ples of the Mitchell Commission and refused to reach agreement with all the other nationalist parties at the Dublin Forum for Peace and Reconciliation.

"Sinn Féin has totally isolated itself," he said. "The benefit from this terrible incident is the mobilisation of the people of Northern Ireland for lasting peace. There is a great abhorrence for what happened."

Paddy Ashdown, the Liberal Democrat leader, also gave his party's full support to Mr Major. "Is this not the moment when the Sinn Féin must decide whether they are going to be a democratic party committed to peace, or whether they are going to be the prisoner of every callous and arbitrary decision made by the IRA army council?" he said.

Mr Ashdown then called on Mr Major to restore trust and unanimity of voice and action between Dublin and London. "Surely if that requires compromise on the favourite solutions being put forward by both sides, that is a small price to pay," he said.

The Rev Ian Paisley, the Democratic Unionist leader, said it was "very strange" that

when nationalist leaders condemned the bombing they then repeated the "propaganda lie" that Mr Major and the Unionist leaders were to blame. He accused them of being prepared to "parrot the lying propaganda" of IRA/Sinn Féin.

Only Tony Benn (Lab, Chesterfield) condemned Mr Major's negotiating tactics. He said that the ceasefire was the product of work done by Mr Hume, Gerry Adams, the Sinn Féin president, and the former Irish Prime Minister Albert Reynolds.

He said that Mr Major's election plan had never been the subject of proper discussion with Dublin. "In one sense there has been no peace process, there has been a ceasefire," he said.

Mr Major told Mr Benn he was "quite wrong". The Prime Minister said that Sinn Féin had not been asked to decommission every weapon they had, "they were asked to make some decommissioning to instil confidence".

Robert McCartney (Ind Unionist, North Down) said: "The restoration of a ceasefire and the entering into further negotiations with Sinn Féin/IRA begs the question, will they simply further down the line, when they meet with another impasse, or some situation which does not meet with their approval, simply blast it out of the way in the manner of Canary Wharf?"

Bridget Prentice (Lab, Lewisham East) said that one of the victims of the blast was John Jeffries, one of her constituents. "He was a very talented young musician and very popular," she said.

Mr Major replied: "The best memorial to Mr Jeffries and to all the others who have been murdered over the past 30 years would be for all of us to bend all our will to finding a proper full-term solution."

Leading article, page 15



John Major leaving Downing Street for the House of Commons yesterday to make his statement on the end of the IRA ceasefire

'We will not be deterred by terrorism'

This is an edited extract of John Major's statement to the Commons yesterday:

THE IRA has brought the 17-month-old ceasefire to an end. There is no shred of an excuse for this return to violence, least of all now, when all-party negotiations were clearly in sight.

After the August 1994 ceasefire declaration, we called repeatedly on the IRA to make clear that it was permanent, despite criticism by some for doubting IRA good faith. We did not say it was permanent. Nonetheless, after a prudent period of time, in order to move the process forward, we were prepared to act on the working assumption that the ceasefire would last.

In the months that followed we reduced the more visible and inconvenient aspects of security. We took soldiers off the streets and opened all the border crossing points. We did everything possible to create new jobs and helped to produce a remarkable economic upsurge.

We talked to Sinn Féin leaders at official and ministerial level. We constantly sought to move the peace process on to the all-party negotiations everyone agrees are necessary.

No one — no one — took more risks for peace than this Government. But

MAJOR'S STATEMENT

we never lost sight of the fact that the IRA commitment had not been made for good. No responsible government could have done otherwise. That was why we and others saw a start to the decommissioning of illegal arms as a way of creating confidence in Sinn Féin's acceptance of democratic peaceful methods, and showing that the violence really had ended.

But all the time that Sinn Féin were calling for all-party talks, we knew that the IRA continued to train and plan for terrorist attacks. Punishments beatings and killings continued. They remained ready to resume full-scale terrorism at any time. We could never be confident their behaviour was that of an organisation which had decided to renounce violence for ever. Theirs was not true peace.

I regret to say that the events of last Friday showed that our caution about the IRA was only too justified. The timing of the return to violence may have been surprising. The fact that violence could resume was not. We must now continue the search for permanent peace and a comprehensive political settlement. Let there be no doubt that the Government's commitment to this is as strong as ever. We will work for peace with all the democratic political parties and

with the Irish Government. But a huge question mark now hangs over the position of one of the parties: Sinn Féin. Their leaders have spoken often of their commitment to peace and peaceful methods. But they have always ducked and weaved when they have been questioned about the IRA and their methods. After the events of last Friday their ambiguity stands out starkly.

Sinn Féin's leaders claim that they did not know about the bomb at South Quay and the IRA's ceasefire statement. But they have refused either to condemn or to dissociate themselves from either. Madam Speaker, Sinn Féin must decide whether they are a front for the IRA or a democratic political party committed to the ballot and not to the bullet.

Meanwhile, one thing is clear. In the absence of a genuine end to this renewed violence, meetings between British Ministers and Sinn Féin are not acceptable and cannot take place. That is also the position of the Irish Government. They have made it clear to Sinn Féin that their attitude and willingness to meet at political level will be determined by whether the IRA ceasefire is restored. We and the Irish Government are at one on this: the ball is in the court of Sinn Féin and the IRA, if indeed that distinction means anything. It is for them to show, through their words and ac-

tions, whether they have a part to play in the peace process or not. I am not in the business of slamming doors. But the British and Irish peoples need to know where Sinn Féin now stand.

The peace process will go on. The aim is, as it has always been, to establish the necessary confidence to enable negotiations between all the parties to start. I want everyone to be absolutely clear on this point. The objective of all our actions and policies before and since the ceasefire has been to get to a position where all constitutional, democratic parties can get round a table together. Everything is a means to that essential end.

The peace process in Northern Ireland has received a serious setback from the men of violence. But it is not over, not by any means. We have seen the benefits of what has been achieved since the ceasefire: the freedom to live and work normally; and to enjoy life, increased prosperity and new jobs; new hope for the future. These must not be thrown away.

This Government will not be deterred by terrorism. The people of Northern Ireland have tasted peace, a peace that changed their lives. I have told the House before that I will leave no stone unturned in the search for peace. That is true today and will remain true in the future.

The people of Great Britain and Northern Ireland deserve no less.

Prime Ministers are under pressure for new way forward

The British and Irish Governments will ensure that whatever the next steps in the Northern Ireland peace process are, they will be agreed between them. The recent public disagreements between London and Dublin may not have affected the IRA's decision to explode the South Quay bomb, given

the extent of planning involved, but they did sour the political atmosphere. The result was a maximum degree of misunderstanding with faults of interpretation on both sides. All that has now changed. Yesterday was a holding operation as post-outrage statements usually are. The formalities of condemnation.

RIDDELL ON POLITICS

sympathy and praise were duly paid in the Commons by the Prime Minister and other party leaders.

But more striking was the tone adopted by John Major in his discussion of the prospects for future negotiations. He

was firm, but conciliatory. That reflects a joint approach agreed with John Bruton. There will be no meetings between ministers of either Government and Sinn Féin in the absence of a genuine end to violence, though contacts will be maintained at official level. But, equally, nothing will be done to push people into the hands of the IRA.

Consequently, in the Commons yesterday, Mr Major carefully avoided raising the temperature of exchanges with Gerry Adams. In talking of the "ambiguity" of Sinn Féin's position in relation to the IRA, Mr Major seemed to recognise

the vulnerability of Mr Adams' political position. He did not want to "erect barriers or to produce harsh words" which would make it harder for those in Sinn Féin to do what needs to be done. Saying he was "not in the business of slamming doors", he argued that it was now up to Sinn Féin to "decide whether they are a front for the IRA or a democratic political party committed to the ballot not the bullet". The underlying message was, "we will keep our distance from you, Sinn Féin, unless and until you (Sinn Féin/IRA) unequivocally return to the ceasefire and demonstrate a commitment to peaceful negotiations. Meanwhile, we will not try to

aggravate your (Mr Adams's) political problems." Mr Major was careful to distinguish means from ends in establishing "the necessary confidence to enable negotiations between all the parties to start". Everything else, he added, is "a means to that essential end".

Given the IRA's refusal to start decommissioning arms now, he argued that holding elections to give an electoral mandate which would lead straightaway to negotiations between all parties remained the Government's preferred option. "The most promising opening available", and is, of course, strongly backed by the Ulster Unionists. Mr Major sought to answer earlier "mis-

representations and misunderstandings" by emphasising that the elected body would have to be broadly acceptable and would be strictly time-limited and not have legislative and administrative powers. "Any suggestion of a return to old-style Stormont rule is manifest nonsense." That has always been Mr Major's position, but the reassurances were not clear enough in Mr Major's earlier Commons statement and in his prior contacts with the Dublin Government and the SDLP.

Moreover, Mr Major said yesterday that other options would be considered: none would be ruled out. He was open-minded to a number of

suggestions and did not even dismiss out of hand the call by John Hume for referendums north and south of the border on the renunciation of violence and all-party talks.

Mr Major's emphasis on the end of all-party negotiations, rather than the particular means of achieving them, offers the hope of friendlier and more positive talks with Dublin and the SDLP. That is no guarantee of agreement. But there is now pressure not just on Sinn Féin and the IRA to restore the ceasefire but also on the two Prime Ministers to produce fresh proposals at their summit next week. Yesterday, they bought time.

PETER RIDDELL

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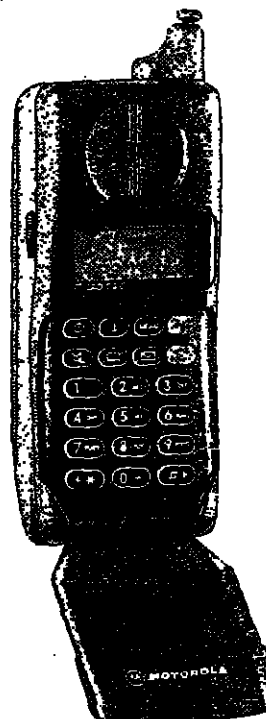
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Unionist leader preaches calm to 'men who matter'

BY ALAN HAMILTON IN BELFAST

GUSTY SPENCE was in a hurry. He was on his way to the Maze prison yesterday afternoon to brief loyalist prisoners on the headline Protestant community's reaction to Friday night's bombing by the IRA.

For Spence, it was a familiar journey. He served 17 years of a life sentence for a sectarian murder committed in 1966, before the present troubles had even begun. Still protesting his innocence, he has become the grand old man of the Progressive Unionist Party, regarded as the political front of Ulster's leading loyalist paramilitary force, the UVF.

Puffing a pipe and looking every inch the kindly uncle, Spence said his message to the prisoners, many of whom have influence in the paramilitary war councils, would be simple. "I will be telling them to persuade the men who matter to do nothing. There is no future in answering one crime with another crime."

With the IRA ceasefire broken and all-party talks not yet begun, Spence believed that peace process was now in a dangerous vacuum. "But I think the paramilitaries will keep their powder dry; they have been through the mill, and they are realistic. They are extremely nervous at

LOYALIST REACTION

the London bomb, but they are not fools. Any talk of reprisal raids on Dublin is nonsense."

At the Rex bar near the PUP headquarters in the Shankill Road, the first reaction to Friday's bomb had been to draw a steel shutter over the front door and admit customers only by a buzzer on a locked side door under surveillance of closed-circuit television.

By yesterday the shutter, not previously used since the ceasefire was declared, had gone again and the street door was open to all-comers. "My customers assured me it was a bit of a knee-jerk reaction," the manager said.

Party workers in the bar said that the paramilitary commanders had been in continuous session since Saturday, assessing their response to the IRA bomb. Hardliners in the movement are said to be pushing for retaliation. "All British citizens are British citizens, regardless of which country they live in: if the IRA wages war on British citizens, loyalists will retaliate," one man claiming to be close to the

UVF said. "We will not immediately abandon our ceasefire, but we will certainly hit back if the UVF campaign escalates. If there is a full-scale IRA return to arms, we are ready to match it."

The movement's political leadership insists, however, that the paramilitaries are well disciplined. "Look at 1991, when we called a partial ceasefire to allow the Brooke talks to go ahead. The IRA bombed Cookstown and Dungannon, but we did not respond; we knew we had the moral high ground," Spence said.

The peace process had been dealt a blow by the London bomb but it was not dead, Spence added. "One bomb does not make a war. The onus is on the nationalist community to show Sinn Féin they have no mandate to enter into a new campaign of violence."

On Sinn Féin's refusal to agree to decommissioning of weapons, however, the loyalist paramilitary attitude approaches understanding. "We would have difficulty in living with the six principles of the Mitchell Commission, as do the IRA. Loyalists are unwilling to give up their guns, so why should the IRA? It is completely unrealistic to expect decommissioning before



Spence, left, announcing the loyalist ceasefire in 1994. Yesterday he was advising against a return to violence

a settlement: after a settlement, it would be far simpler," Spence said.

In the Rex bar one loyalist activist said: "We are frustrated by Sinn Féin and very, very angry at the IRA. People here have become used to taking down their steel doors, and not having a heart attack at

the first sound of screeching brakes. We don't like people who put that peace at risk."

But would the loyalist paramilitaries now put peace at risk themselves? Gusty Spence thought not. "Mind you, even I have to make an appointment to see the men who really matter."

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ATLAS

Security alerts cause road and rail confusion as the capital struggles to get back to normal after explosion

Fears grow for firms as police turn away Docklands workers

By RUSSELL JENKINS
AND TIM JONES

THOUSANDS of office workers were turned away from London Docklands by police when they arrived for work yesterday. More than one hundred firms are inside a "sterile" security zone circling the site of Friday night's IRA bomb explosion.

Commuters appeared bewildered as they saw for the first time in daylight the extent of the devastation radiating from South Quay.

Many were left unsure what to do next. Some assembled at pre-arranged points and others were told where they were being temporarily relocated. Beyond the blue and white police tapes, roads remained strewn with blasted masonry and shattered glass. Alarm bells continued to ring.

Motorists bore the brunt of the heightened state of security in the capital as police rebuilt the "ring of steel" around the City of London and

erected two roadblocks on approaches to the Isle of Dogs. Traffic was bumper-to-bumper through the Limehouse Link and Blackwall tunnel as cars were pulled over and drivers questioned. Security staff at Canary Wharf — where security has not been relaxed throughout the ceasefire — stopped and searched cars trying to drive into Canary Wharf.

Rail passengers faced chaos as mainline and Underground stations were plagued by security alerts. At one point Easton, Paddington and Liverpool Street stations and Holborn Underground station were all closed.

The bomb, planted under a concrete and steel railway bridge, had prevented trains on the DLR (Docklands Light Rail) from running beyond Canary Wharf.

The Docklands Business Club, which represents 800

companies, said last night that offices on the edge of the blast zone could be reopened by tomorrow. That includes the Harbour Exchange complex, which houses dozens of small businesses. Big employers in the area, such as French-owned publisher the Bude Group, had found temporary office accommodation.

Some small and medium-size companies located inside the security cordon face a devastating interruption to their business and could go to the wall — especially those without insurance cover against terrorism. Insurance loss adjusters were yesterday working alongside engineers and armed police officers.

The business park backing on to South Quay boasts "blue chip" companies such as Accident and General and branches of Lloyd's and Midland banks. But high-rise blocks, such as the Harbour Exchange, are home to dozens of much smaller enterprises. Those companies are the



Industrial abseilers begin the painstaking task of checking for broken and loose windows among the acres of glass surrounding South Quay

most vulnerable to interruption of their commercial life, the possible loss of business and the cost of relocating offices. A few may not be insured against a terrorist bomb. The Association of British Insurers has put the cost to insurers at between £75 mil-

lion and £150 million. That compares with the £600 million cost of the IRA bomb that devastated Bishopsgate in the City of London in 1993. Companies servicing the devastated area, including restaurants, public houses and sandwich shops, face substan-

tial long-term problems trying to rebuild their businesses.

When she arrived for work Clare Chapman, 22, an account executive for The Practice, a public relations company at Beaufort Court, was waved back by police shouting: "Get out of here.

This is a sterile area." She said: "It has all been pretty terrifying. We left the office at a quarter to seven on Friday night. We just missed it."

Paul Deedman, 30, from Greenwich, southeast London, could not enter the headquarters of the Radio Com-

IRA bomb plot was initiated three weeks ago

By STEWART TENDLER
AND RICHARD FORD

THE IRA started preparations for the Docklands bomb more than three weeks ago when an English vehicle's tax disc was stolen in Ulster to disguise the origins of the lorry carrying the explosive, the Rev Ian Paisley told MPs yesterday.

Mr Paisley, Democratic Unionist MP for North Antrim, said that the tax disc was used with false number plates on the IRA's lorry. The vehicle was then brought into mainland Britain on the Larne-to-Stranraer ferry. Mr Paisley said the details had been confirmed by police to the person who had lost the tax disc.

Mr Paisley said that the theft showed how the IRA had plotted and premeditated the attack. In reply Mr Major said he noted the comments about the tax disc and told Mr Paisley it was "very strong corroborative evidence".

Mr Paisley's son, also Ian, the DUP's justice spokesman, said the tax disc had been taken from a second-hand, English-registered lorry on the forecourt of a car salesman's property. "It was stolen three weeks ago — before the

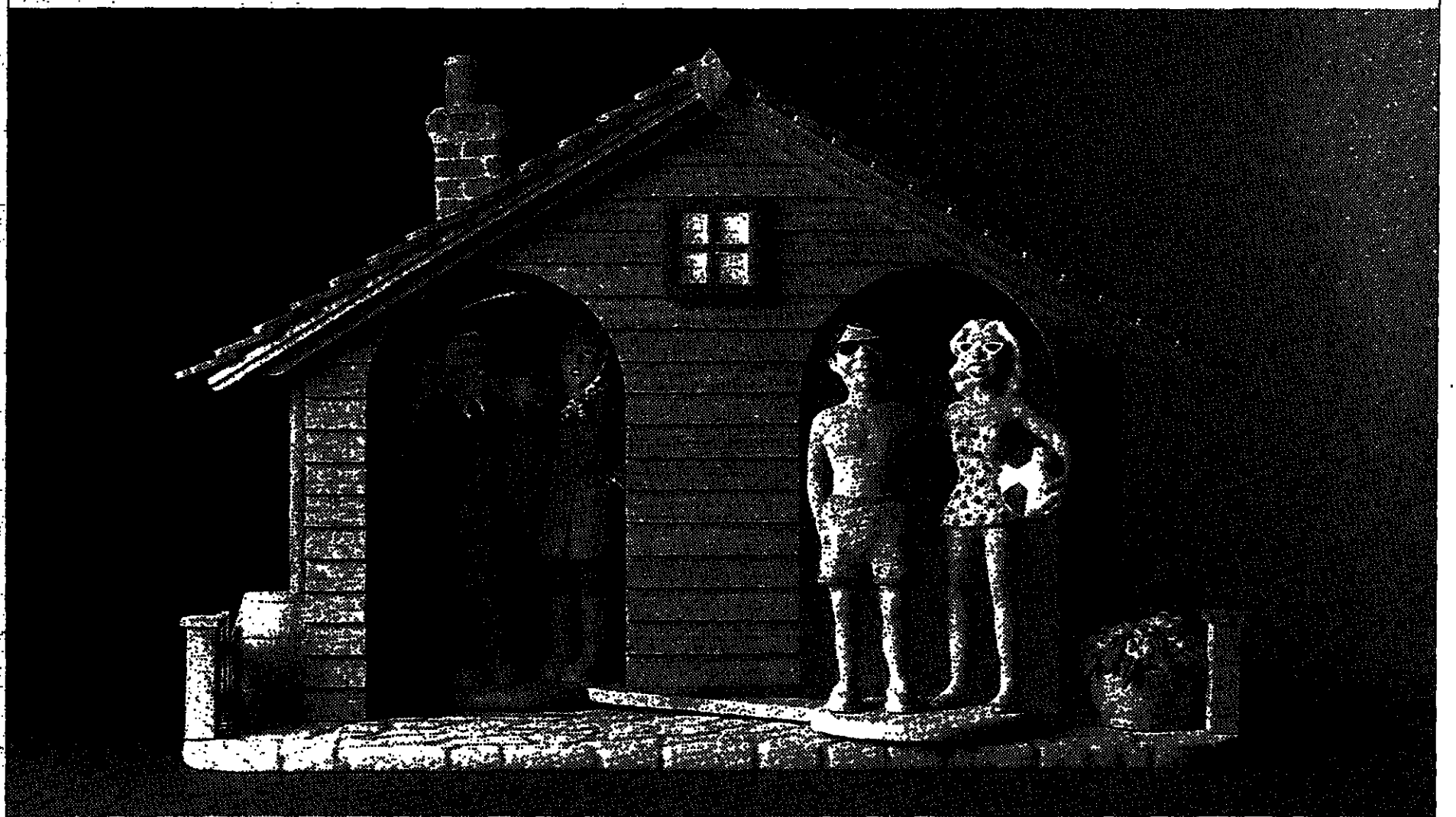
Mitchell Report [on arms decommissioning] was even completed," he said.

Police hope that closed circuit television cameras on main junctions, motorways and town centres may have captured the bombers.

Security managers are being urged to check cameras for pictures of the lorry being driven across London or film showing the lorry being parked in a garage. British Transport Police will check videos from trains going into London from Docklands just before the blast to see if the bombers escaped that way.

In the past 17 months Special Branch detectives and MIS officers working undercover have also seen IRA units examining targets throughout Britain. Yesterday as police continued to search the site of the bomb blast, Sir Paul Condon, Commissioner of the Metropolitan Police, issued an assurance to Londoners and a call for vigilance. The Yard has already drafted scores of marksmen from other duties or leave to provide extra cover for targets considered to be at possible risk.

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Tourists destroy resting place of Scottish kings

Political pilgrims face ban from John Smith's grave

By Andrew Pierce

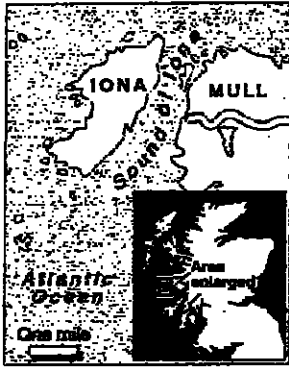
TOURISTS and political pilgrims may be banned from the graveside of the former Labour leader John Smith on the Hebridean island of Iona. Trustees at the island's 13th-century abbey have applied for permission to build a wall round the ancient burial ground.

The resting place of Scotland's first kings is being destroyed by the number of people who go to the island each month to pay their respects to the politician. One grave has caved in under the weight.

The wall would be constructed from stone and would allow access to the graves only for the Ionian community and relatives of the dead. Residents, who number fewer than 100, fear that the 12-metre wall will take up too much space. Argyll and Bute District Council's planning committee will consider the proposal on Thursday. It will also examine a plan to install a



John Smith is buried on the island of Iona, which has seen an unprecedented invasion of visitors



cast-iron gate, bearing a picture of Mr Smith's grave. The former MP for Monklands East died in May 1994.

Evelyn MacPhail, the chairwoman of Iona Community Council, said: "People just don't have any respect. They literally trample over people's graves to see John Smith's final resting place."

"None of us realised the interest in John Smith's grave would have gone on so long.

They even bring coach parties here to see it. Something has to be done to protect the site. It used to be a tranquil and peaceful place. I don't go near it now in the tourist season."

Makeshift railings that were put up last summer proved ineffective — sightseers merely clambered over them. A gravel path may be laid to stop people walking across the grass to the site of Scotland's earliest Christian settlement.

In the winter, after heavy rain, pilgrims have turned the site into a virtual quagmire.

The most persistent question asked on the island is "Where is John Smith's grave?". In the past, the question was "Where are the Scottish kings buried?". The original decision to grant Mr Smith, a mainland, a plot in a cemetery normally reserved for islanders and their descendants was criticised by local people. Mr Smith's family was given special permission for burial only because he was raised in Argyll and was the leader of a major political party.

Mr Smith's widow, Elizabeth, supports the proposal for a wall and has urged tourists to be more respectful. If the plan is adopted on Thursday, the family will be able to reach the grave through a private gate. Local residents would prefer a temporary fence which could be removed if, and when, public interest in John Smith's grave evaporates.



Burning bright: keeper Caroline Connor with her feisty new charge yesterday

New tiger cub comes up to scratch

LONDON Zoo's newest tiger is no pussy cat. The male Sumatran tiger cub, which made its first public appearance yesterday, is proving quite a handful.

Caroline Connor, 20, the keeper who has been a surrogate mother to the cub since its birth three weeks ago after its mother Mira was unable to suckle it, said: "He's no pushover, this one. He likes to get his own way."

The cub is already getting through nearly half a litre of milk a day and is well on the way to his father's daily ration of 10lb of beef.

Covered in scratches, Miss Connor said: "He's got quite a temper. He just doesn't know what to do with his big paws."

The cub, which will be greeting visitors at the zoo in Regent's Park from today, is one of only 250 Sumatran tigers in captivity. There are fewer than 600 left in the wild. The cub will be named in a competition later this month.

Bypass protesters ransack offices of building firm

By Adrian Lee

THE offices of a construction company were ransacked yesterday by a group protesting against the Newbury bypass. The raid, by about 50 campaigners, caused damage estimated at thousands of pounds and was the most violent demonstration so far.

Friends of the Earth, which is co-ordinating the anti-bypass movement, distanced itself from the attack at the offices of Tarmac Roadstone in Newbury.

Some of those involved in the raid were arrested. They were charged with criminal damage and possession of offensive weapons.

Others poured in and workers watched as whisky was poured on computers, files were filed, a fire extinguisher was thrown through a window and telephones and fax machines were damaged. One man was arrested.

Malcolm Whittle, managing director of the company, described the attack as "terrorism" and said his employees feared for their safety. He said: "I have nothing against peaceful protest but what has happened here was not the work of environmentalists — it was simply vandalism. My staff were very worried because the behaviour was very threatening."

Some of those involved are believed to have arrived in Newbury at the weekend to take part in a rally that attracted 4,000 people. They turned their attention to the offices because there was no

work on the bypass yesterday while guards took part in a training exercise.

Tarmac has been named by Friends of the Earth as one of six companies bidding to build the bypass, although the Newbury office is part of its quarrying operation. "We were an easy target," Mr Whittle said. "We booted the front and back doors but they came in through a window." A caretaker was slightly hurt when he tried to resist.

A Thames Valley Police spokesman said the action was "a case of mob mentality".

The attack seems to have caused a split in the ranks of the protesters. Tony Juniper, deputy campaigns director for Friends of the Earth, blamed outsiders. "I think a lot of them were just down for the day. I think they were frustrated because there was no work today. We will work with anybody as long as it remains peaceful. It is a shame."

Theo Simon, speaking from the office of the Third Battle of Newbury protest group, said there could be further aggressive action: "I don't think firms like Tarmac understand any other language and they have got to be hit where it hurts," he said. "They are motivated only by profit. Computers and faxes can easily be replaced but the English landscape is irreplaceable. There is going to be more of it."

Photograph, page 22

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Venables action is adjourned until after Euro 96

By a Staff Reporter

TERRY VENABLES, the England football team's coach, won an adjournment of legal action against him yesterday after his lawyers argued that he needed to concentrate on the European championship.

The adjournment until July 15 of a High Court action by the Department of Trade and Industry — which is trying to ban Mr Venables from acting as a company director — was granted after Mr Registrar Rawson read a letter from the Football Association pleading for Mr Venables to be given the chance to get on with his job.

Ian Burton, Mr Venables's solicitor, said outside court that even when the case returned to court, the amount of work needed to prepare the action would mean that it would not begin this year.

However, Mr Venables is still facing two other actions that he may be unable to postpone until 1997 — a libel case brought by Alan Sugar, chairman of Tottenham Hotspur plc, and a claim for allegedly unpaid fees by Bryan Fugler, Mr Venables's former solicitor.

If the Department of Trade and Industry is successful in



Venables: allowed to concentrate on England

its action, Mr Venables will be barred from administering, forming or managing a company, or being manager of a company's property, for up to 15 years.

But Mr Burton, speaking after the case had been adjourned, said: "The worst thing that could happen to him would be that he would not be able to run a limited company, but he could still operate as a partner of a firm. He could still own a football club if it was not a limited company."

"He denies all the DTI allegations and will most definitely be fighting the case."

Mark Cunningham, representing the department, said at the hearing in the Companies Court that the allegations related to Mr Venables's conduct as a director of Scribes West, a London-drinking club; Edemore, Tottenham Hotspur plc; and Tottenham Hotspur Football and Athletic Club.

Football summit, page 44

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French bishops defy papal line on condom use

FROM BEN MACINTYRE IN PARIS

THE Roman Catholic Church in France acknowledged for the first time yesterday that condoms could be necessary to prevent the spread of Aids.

"Many competent doctors state that a reliable condom is today the only means of prevention. In this respect, it is necessary," the French Bishops' Conference said in a report released yesterday.

The panel said that using condoms was not a substitute for adult sexual education, but added that their use was "understandable in cases where a person who already engages in sexual activity needs to avoid serious risk".

That principle contrasts with the Pope's insistence that sexual self-control is the only morally acceptable way to fight the epidemic.

In a sex education guide issued two months ago, the Vatican condemned the idea of "safe sex" or "safer sex" as "dangerous and immoral, based on the illusory theory that a condom can provide sufficient protection against Aids".

The guide said: "Parents must insist on abstinence out-

side marriage and fidelity within marriage as the only true and reliable education to avoid infection."

Mgr Jacques Gaillot, the outspoken former bishop of Evreux in Normandy, was ousted by the Vatican last year for openly promoting the use of condoms to prevent the spread of Aids. He has since set up his own "virtual diocese" on the computer Internet. Several other French bishops have cautiously supported the use of condoms.

Yesterday's report by the French Bishops' Social Commission, however, marked the first time that the Roman Catholic Church in France has as a body officially recognised that condoms can save lives, although it added: "In advising young people to use condoms rather than help them understand their sexual identities, we make them prisoners of their sexual drives."

The statement, the fruit of six months' consultation between a panel of bishops and medical experts, makes no reference to the Pope's statements on the subject of Aids prevention. In the document,

entitled *Aids: Society in Question*, the commission said it was regrettable that church statements on the issue had left it open to charges of promoting death, while noting that the use of condoms was partly responsible for the epidemic's slowing growth rate in France.

"Public health officials support the use" of condoms, the commission's president, Mgr Albert Rouet, Bishop of Poitiers, wrote. "The Church, tending towards opposition, has seen itself accused of working for death."

Luc Montagnier, the French researcher who first isolated the Aids virus, hailed the report as an important development, but added: "I do not think John Paul II will change his opinion."

Various French medical groups, including the Catholic Committee of French Doctors, also said the statement would help to clarify a hitherto ambiguous situation. "The word 'condom' is no longer taboo for the Church," Marc Genillini, head of the doctors' committee, told the daily newspaper *Le Monde*.

German wartime fighter ace dies aged 83

FROM ROGER BOYES IN BONN

ONE of Germany's most famous and influential wartime fighter pilots, Adolf Galland, died at the weekend, aged 83, at home in Remagen. Known as the "Flying Dandy" because of his smart appearance, the pilot shot down 104 Allied aircraft and commanded the squadron that downed Douglas Bader.

When the British pilot was locked up in a prisoner-of-war camp, it was Major-General Galland who ensured that a replacement pair of artificial legs was flown in safely from Britain. His fighters escorted the British plane across occupied Europe and back again.

The pilot — with his pencil-thin moustache and tailored uniform — was an important part of Germany's wartime mythology, reinforcing the idea that the battle of the skies was an altogether more gentlemanly affair than the war on the ground or at sea.

Galland is the closest that Germany has to a war hero. Even so, most newspapers yesterday neglected to mention his death.

His credentials depend not only on his aerial marksmanship, but also on his readiness to stand up to Hermann Goering, the head of the Luftwaffe. He caught the attention of the Nazi leadership when he started to shoot down dozens of aircraft in the Polish and French campaigns, as well as during the Battle of Britain.

By 1942, at the age of 30, he had become the youngest major-general in the army or air force. He was put in charge of Germany's fighter aircraft effort and refused to be drawn into ideological infighting.

Both Hitler and Goering were highly critical of the way Galland's fighters were deployed against the Allied bombers in their daytime raids over Germany. Goering told Galland in October 1943: "The fighter wing has lost its standing. It is fighting in a lousy fashion. The Führer has lost his faith in your fighters. If you don't attack whenever you see the enemy, I will order my flak to shoot your cowardly cripples out of the skies."



Major-General Adolf Galland, who was known during the Second World War as the Flying Dandy because of his smart appearance and pencil-thin moustache

For a while, Galland was put under house arrest, but in March 1945 Hitler placed him in charge of the Me262 Squadron. The war was lost but Galland argued: "It would have been dishonourable to possess the best weapon and not to fight on."

Galland was a prisoner of war until April 1947 and he then became a consultant to the Argentine Air Force. However, the way he back into the reconstituted German Air Force was blocked by its founder, Josef Kammhuber, an old rival. Instead Galland opened up a successful aerospace consultancy and wrote his memoirs, which sold more than two million copies.

Paris: Bernard Delhom, France's oldest First World War veteran and probably the country's oldest man, has died at the age of 110. AFP

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Galland, left, with Douglas Bader, who was shot down by the German pilot's squadron and held as a prisoner

Deal 'ends crisis in Bosnia'

Sarajevo: Richard Holbrooke, the American diplomat who brokered the Bosnian peace plan, announced yesterday that the peace process was back on track after reaching a compromise over the detention of suspected war criminals (Stacy Sullivan writes).

After a flurry of shuttle diplomacy between Zagreb, Belgrade and Sarajevo, Mr Holbrooke said all parties had agreed that the Bosnian Government would submit a list of suspects to the United Nations War Crimes Tribunal for screening before it tries to arrest them.

Last week, the Dayton deal nearly collapsed when the Bosnian Serbs said they were breaking off all ties with the Nato peace implementation force and the Bosnian Government in retaliation for the arrest on suspicion of war crimes of two Serb officers and at least eight other soldiers.

Mr Holbrooke said the compromise would preserve freedom of movement and bolster the Dayton commitment to prosecute those who had committed war crimes. It is not certain, however, that Bosnian Serb military leaders will go along with the plan. "We have received mixed messages," a Nato spokesman said.

Bomb found in Colombo

Colombo: A lorry packed with 260lb of explosives was made safe a mile from the cricket stadium in Colombo where a joint India-Pakistan team is due to play Sri Lanka today, police said. The bomb is being staged as a consolation for fans who were to have seen Australia and the West Indies compete in the World Cup. Both teams are staying away because of a bomb last month in Colombo in which 67 people were killed and 1,400 wounded.

Meanwhile local officials in Trincomalee said that a bomb was found on the rampage yesterday in at least 30 civilians and 70 Tamil Tiger guerrillas shot dead two soldiers. The military said, however, that only one civilian, a 12-year-old child, was killed in crossfire after the ambush. Pro-government Tamil legislators said the latest attack would boost support for the Tamil Tigers. World Cup, page 44

France honours Tina Turner

FROM BEN MACINTYRE IN PARIS

THE veteran singer and actress Tina Turner was made a Knight of the Order of Arts and Letters yesterday by the French Culture Ministry.

Ms Turner, 56, joins her fellow Americans, Sylvester Stallone, Paul Newman and Sharon Stone, in receiving France's highest arts honour, amid increasing fears that the country is gradually being swamped by Anglo-American popular culture.

At a Hollywood-style ceremony in the Palais de Congrès in Paris last night, Ms Turner sang the theme tune from *Goldeneye*, the James Bond film that has proved a box-office hit in France. "She has never had anything like this before, never anything as posh



Turner: lives in France and speaks the language

and prestigious," Bernard Doherty, Ms Turner's publicist, said.

The decision to present Ms Turner with the award is sure to provoke further consternation among those who say

France is being inundated by "Anglo-Saxon" entertainment. Some have argued that the award is becoming merely another international show-business perk, while others say that by honouring so many American entertainers, the Government is contradicting its pledge to defend home-grown French talent against the foreign invasion.

Last month a law came into force in France requiring radio stations to ensure that at least two-fifths of pop songs broadcast are in French.

Ms Turner lives in Cap Ferrat and, unlike Ms Stone, who cannot speak a word of French and whose award last October was derided by the press, the American singer is reported to have grasped the language, even if she does not sing in it.

Fiery critic of 'King' Yeltsin offers to quit Vatican post

FROM RICHARD BESTON IN MOSCOW

ONE of President Yeltsin's closest former advisers has resigned as Moscow's envoy to the Vatican after calling the Russian leader a power-hungry monarch and publishing damaging details about intrigue inside the Kremlin.

Yury Ivanov, who served for three years as the presidential spokesman, handed his resignation letter to the Russian Foreign Ministry after he was given a public dressing down and recalled from Rome in disgrace last week.

The balding and combative former press chief outraged the Kremlin when he published excerpts from his memoirs, *Parting with the President*, and went on television to criticise his former boss and the men who run Russia.

In the book Mr Kostikov describes how the Kremlin is run by a small clique of shadowy figures, how the offices and telephones of all employees are bugged by former KGB agents and how President Yeltsin has become removed from the day-to-day running of Russia's highest office.

Grigori Karasin, a Foreign Ministry spokesman, said:

"An ambassador represents his country, and as long as he serves in his position it is wrong and inadmissible for him to make negative remarks about the leadership of his own country. This is a violation of professional rules and norms."

Although furious Kremlin aides would like to punish Mr Kostikov by accepting his resignation, they will have to judge carefully if he is more dangerous inside or outside government service. Mr Yeltsin, who is expected to announce on Thursday his intention to seek re-election, is

trying to rebuild his public image and cannot afford any negative publicity at this critical point in his campaign. If Mr Kostikov leaves government service he will be free to give as many interviews as he likes and to revise his "kiss and tell" account, which is likely to become an overnight bestseller.

In an interview with *Itogi*, the weekly current affairs programme, which has been broadcast for two weeks in succession, Mr Kostikov painted a highly unflattering picture of Russia's highest office, with policies made by a group of sycophantic cronies and where the head of state had become an emperor with no clothes.

Mr Yeltsin was portrayed as a vain and ideologically bankrupt leader who regarded power as "his friend, his companion, his mistress, his passion".

Mr Kostikov said: "It is a terrible thing when a man convinces himself he is great, irreplaceable, and powerful. Maybe he is powerful, but he should not say it himself and allow others to say it. This system of converting the President into a monarch is, of course, very dangerous."

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Arafat takes oath of office

Gaza City: Yasser Arafat yesterday took the oath of office as the first elected Palestinian President. With his right hand on the Koran, Mr Arafat told a gathering in the hall that will soon house the 88-member Palestinian Legislative Council: "I swear before God that I will be sincere to the country and preserve the constitution, law and interests of the Palestinian people."

The brief, hastily-organised ceremony came after elections last month in which Mr Arafat won 87 per cent of the vote. AFP

Tunnel blast fails to free victims

Tokyo: A second attempt to free twenty people trapped in a tunnel in Hokkaido by dynamiting a huge boulder failed (Peregrine Hodson writes). Hopes have faded that any survivors will be found. Saburo Okabe, the minister for Hokkaido, turned up 48 hours after the disaster, to be greeted by irate relatives who asked why he had taken so long. The Government's tardiness has been compared with that after the Kobe earthquake in January 1995.

Culture bandits plunder Rome's heritage

FROM RICHARD OWEN IN ROME

AN EMBARRASSED Minister of Culture admitted yesterday that Italy is losing valuable works of art to thieves at the rate of 30,000 a year.

Antonio Paolucci said the latest ancient monument to be plundered was the Baths of Caracalla in Rome, where thieves have made off with a stone column weighing three tonnes. The baths, not far from the Colosseum, functioned for about 300 years from 217 until they were vandalised by the Goths. The ruin is used nowadays for extravagant open-air opera productions such as the *Three Tenors* concert in 1990.

Signor Paolucci said the baths, like many other ancient monuments in Italy, were guarded by day but not at night. He conceded that this did not explain how an entire Roman column had been removed, but added: "Even if we were to put the whole of the Italian Army and all the carabinieri standing guard over every column and every art object, it would still not be enough."


Plunder is not a new phenomenon in Italy: many houses and churches in Rome are built with the masonry of ancient buildings. However, modern Italy has 3,500 museums and more than 2,000 archaeological sites, and only 9,000 custodians to guard them. Many

valuable works are kept in unlocked churches, and it is not uncommon to enter a rural church only to find an unattended-off space where — according to the guidebook — a Renaissance painting should be hanging.

According to Colonel Roberto Conforti, the head of the carabinieri unit which monitors art thefts, the stolen objects find their way to the homes of the "new rich" as status symbols.

Italy was formed — and to centralise it in Rome. As a result, art galleries such as the Uffizi in Florence (damaged by a terrorist bomb attack three years ago), cannot cope with the huge numbers of visitors who converge on them every year.

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Juppé hints that single currency may be delayed

FROM ROGER BOYES IN BONN

ALAIN JUPPÉ, the French Prime Minister, yesterday ruled out the possibility of France and Germany going to a single currency and hinted that economic and monetary union would have to be rescheduled if others fail to make the grade by 1999.

Speaking after a morning of talks with Helmut Kohl, the German Chancellor, M Juppé also made clear that he thought Britain would sign up for the single currency.

Most of the French Prime Minister's visit seems to have been devoted to the power of positive thinking on monetary union. "I am not here to spread the message of scepticism or despair," he said, several times.

The French franc was stronger than ever, he said, inflation was lower even than that recorded in the official statistics and the budget deficit had been slashed to a little less than 5 per cent of gross domestic product. The assumption had to be, he said, that France would meet the Maastricht entry criteria.

However, apart from cheer-leading for the French economy — still necessary in Bonn, where some economists are convinced that the French cannot make the 1999 target — the Prime Minister was clearly preparing for a rethink on the timetable for monetary union. "The Maastricht treaty is very clear: a sufficient

number of countries must be ready and willing to take part in the union. If that is not the case, there should be an agreement over another date," he said.

The Germans will not be happy to hear this. Wolfgang Schäuble, the Christian Democrat parliamentary leader, has been retracting similar thoughts expressed over the past week, apparently under pressure from Herr Kohl not to open an loophole that can

It cannot be that France goes it alone with Germany. Others will join us, even the sceptical?

be exploited by monetary union sceptics.

Earlier, in a German newspaper interview, M Juppé tried to quash the idea of postponement. "If we started by postponing the date for a year, someone would say 'why not two years' and then it will be 2010 and nothing will have been done. I believe we should stick to our goals."

Despite this confidence, the prospect of failure crept back into M Juppé's public statements. He was ada-

mant yesterday that EMU could not be constructed solely by France and Germany, despite speculation that the two were planning to merge their currencies.

"It cannot be the case that France goes it alone with Germany," he said. "I'm certain that other countries will join us, even those who presently seem very sceptical."

Later, talking to French reporters, M Juppé made clear that he was talking about Britain. Indeed, in his interview with *Die Welt* yesterday, M Juppé mocked the British position. "You have to take with a pinch of salt the supposedly objective analysis of our British friends in such situations," he said. "They are after all in a very comfortable position. They forecast a failure of European monetary union. But if it happens anyway, then I am sure they will try to jump on the train."

Oddly, M Juppé did not hold a joint news conference with Herr Kohl. The German leader clearly believes that the big common Franco-German initiatives should be announced only with President Chirac. The meeting covered many issues apart from monetary union, however, and according to German and French diplomats, showed a considerable degree of policy co-ordination. For example, M Juppé will be travelling to Russia this week and Herr Kohl will follow at the week-end. Both will be trying to make Russia a member of the Group of Seven leading industrialised nations, before the Russian presidential election in June.



Alain Juppé, left, and Helmut Kohl before their meeting yesterday

agency in Bonn as the nucleus of a future European defence procurement industry. However, Herr Kohl — perhaps remembering the frequent friction between Klaus Kinkel, his Foreign Minister, and M Juppé when he was the French Foreign Minister — still appears to be somewhat wary of the Prime Minister. Diplomats say M Juppé spent an unusual amount of time expounding French ideas for ending national military service. Herr Kohl wanted to know the implications of a

professional French Army and is plainly uneasy about the implications for the German Army, which has been wedded for fifty years to the model of a conscript force. Bank bid: The Bank of England may enter the race to design Europe's new bank notes, although the Government has not committed Britain to a single currency. The bank confirmed last night that it was considering submitting designs for the euro.

Months after European Union governments disposed of French-led attempts to fight the influence of Hollywood entertainment, the European Parliament will try tomorrow to re-impose quotas on television and fix controls on the Internet. The Parliament's dominant Socialist bloc — including dozens of British Labour MEPs — has a reasonable chance of blocking last year's agreement. This would force broadcasters to transmit a minimum of 51 per cent of home-grown programmes. The broadcasting and recording industries are more alarmed over attempts to extend quotas and controls to so-called multimedia services, not yet in existence, which will be transmitted by telephone line, cable and on the Internet. The controls are backed by France, which has been fighting a losing battle for the past six years to preserve the "European cultural identity".

MEPs push for controls on TV and Internet

FROM CHARLES BREMNER IN BRUSSELS

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With American films representing 82 per cent of those on show in Europe, the native industry needs protection, say the French and the Euro-Socialists. The Internet, according to the Gaullist administration of President Chirac, represents the latest and most sinister example of American "cultural imperialism". Philippe Douste-Blazy, the Culture Minister, last week lamented the fact that 90 per cent of the Internet was in English and that typing in "Bonaparte" or "de Gaulle" brought him responses only

from data banks in the United States.

A coalition of 40 organisations from the European broadcasting and recording industries is attempting to dissuade MEPs from legislating on television and the fledgling multimedia industry. Applying broadcasting rules to planned services such as video-on-demand, tele-shopping and electronic information would cripple Europe's attempts to compete in the world, the group said.

The Socialist-led moves are being fought by the smaller conservative bloc, headed by the European People's Party. It says new restrictions will trigger battles with the United States and stifle the emerging multimedia industry.

Roy Perry, the British Conservative MEP responsible for the media, has charged the Left with trying to foist high-brow French films on a reluctant European public. "Even *Neighbours* would get the red card," he said. It was not clear how many, if any, of the Socialist amendments to the broadcasting directive will survive voting tomorrow.

Under the EU's near-impenetrable system of legislation, the Parliament's reworking of the directive will be returned to Culture Ministers for further action. Since France leads a tiny minority of members favouring quotas, the governments are unlikely to accept the Parliament's stronger demands. This would leave the existing relatively mild regime in force.

French women prefer a couch potato to Adonis

BY BEN MACINTYRE

THE traditional French male lover — he of the perfect body, high-flying career and taste for romantic gestures — is out of vogue, according to surveys which show that most French women would prefer to curl up with a homely and amusing couch potato.

A poll conducted by *Harlequin*, a French publishing firm, found that just 1 per cent of women regard seduction as an attractive quality, while only 2 per cent feel that "the Greek god physique" is a prerequisite for a lover. A sense of humour

was consistently rated higher than professional success, while reliability and a "heart of gold" were placed above seductiveness and chest hair in the list of manly qualities.

The couch potato or *patate de canapé* has become part of the French language and the survey found that women rate highly men who take their leisure seriously. The news will come as a blow to those Frenchmen who have spent years aspiring to be an Eric Cantona or Brad Pitt when they could have remained a portly Gérard Depardieu or Philippe Noiret.

On the other hand, it may come as a relief to the ardent French male to discover that he is no longer required to swim the Seine or write extravagant love poetry to gain approval. The IFOP poll found that a bunch of flowers or a dinner invitation is all that is expected.

Even adultery, so long a hallowed French institution, has become passé, particularly among the younger generation. The IFOP poll found that although infidelity remains popular among the middle-aged, nearly half of those aged 18 to 34 regard adultery as "scandalous".

Before he abandons Proust, the aspiring French Romeo must address the most worrying statistic of all. While French men cited three French women as the most attractive (Sophie Marceau, Emmanuelle Béart and Isabelle Adjani), the top men chosen by French women were Paul Newman, Robert Redford and Kevin Costner — all American film stars.

As his fellow *patate de canapé* melts into his arms in front of the small screen, the amorous Frenchman might reflect that true love beating in her breast, or merely the hope that, if she watches for long enough, the man of her dreams may appear?



Cantona: little appeal

Britain expels Pakistani over nuclear shipment

BY MICHAEL BINYON, DIPLOMATIC EDITOR

BRITAIN yesterday ordered the deportation of an employee of the Pakistan High Commission, who has been accused of attempting to supply equipment for Pakistan's nuclear weapons programme.

Michael Howard, the Home Secretary, served a deportation notice on Mohammad Saleem, after a warning was given to the High Commission last Friday that he would no longer be recognised as a member of staff. The Home Office said in a brief statement that Mr Saleem's presence in Britain was "not conducive to the public good".

Whitehall officials confirmed that Mr Saleem, a clerk, had been trying to ship material vital to Pakistan's development of a nuclear bomb. He is the third member of the High Commission to be expelled on such charges within five years.

British Customs has stopped the illegal export of material that would aid nuclear proliferation on three occasions. There were two incidents last November: laser-measuring equipment was recovered from a British Airways plane bound for Paki-

stan, and a shipment of special valves, ordered from France and useful for making nuclear weapons, was held up. Early last year Customs also returned to Hungary portable solid-state lasers that were part of Pakistan's weapons-procurement programme.

Vienna: The International Atomic Energy Agency confirmed that German scientists Bruno Stemmler and Karl-Heinz Schaub had sold data to Iraq to help it build the bomb before the Gulf War. Herr Stemmler is said to have died in 1995 and Herr Schaub, on the run, could be in Baghdad. (Reuters)

ment programme. Mr Saleem was employed by the High Commission while he was living in Britain. He will be asked to leave the country within the next few weeks. In 1990 Britain also expelled Ahmed Jani, a diplomat who was a close friend of Dr Abdul Qader Khan, the man said to be the brains behind Pakistan's nuclear programme.

Pakistan is known to have made vigorous efforts to develop a bomb in response to the nuclear device successfully test-fired by India in 1974. Neither country signed the Nuclear Non-Proliferation Treaty.

Pakistan has never officially acknowledged possession of nuclear weapons, although the Minister of Defence Production said in December 1992 that the country was able to manufacture such weapons. Its programme is based on the Kahuta research complex near Islamabad, which is believed to be able to produce weapons-grade uranium. Britain officially says only that it is "aware of reports" that the country is hoping to develop a nuclear capability.

The incident is a damaging setback to diplomatic relations between London and Islamabad, and is likely to lead to a cooling in the political dialogue — although not in the booming economic and trade relations.

Algeria vow to crush terrorists

THE Prime Minister of Algeria, Ahmed Ouyahia, vowed yesterday to stamp out terrorism "at any cost" after 18 people were killed and 93 injured in two bomb attacks in Algiers, the capital, on Sunday (Mark Hubbard writes).

Opposition politicians said the blasts demonstrated the increasing anger of Islamic radicals at the failure of President Zerrouk to use his decisive poll victory last November to resolve the four-year-old terrorist war. The Islamic Salvation Front, which denied responsibility for the attacks, said: "After the election we recognised the legitimacy of President Zerrouk and called for dialogue. To this day, we have had no response."

Algerian security forces said they killed 22 Islamic rebels in five days of operations across the country, the official APS news agency reported.

Inspector on trial: Paris: A police inspector has gone on trial for shooting dead a teenage Zairean immigrant during questioning at a police station in 1993. The incident triggered days of rioting in the French capital. (Reuters)

11 die in pile-up: Rome: At least 11 people were killed and more than 100 injured in a multiple crash involving about 250 cars on a fog-bound motorway between Vienna and Verona in northern Italy. (Reuters)

Long player: Marseilles: Jeanne Calment, the French woman who is authenticated as the world's oldest person, is to make a record with anecdotes about her life to celebrate her 121st birthday on February 21. (Reuters)

Unholy row: Cairo: Egypt's Religious Affairs Minister has ordered mosques to reduce the number of times they use loudspeakers to call the faithful to prayer each day, in an attempt to curb noise pollution. (AFP)

Dynamite hoarder is sought

FROM JONATHAN MIRSKY IN HONG KONG

FOR the first time in years the most wanted man in China is not a political dissident but a suspected criminal.

He Gang, 33, of Shenyang in central China province, allegedly hoarded 20 tonnes of dynamite which exploded in his home on January 31, killing 122 people and destroying about 40 buildings. The blast left a crater 100ft across and 30ft deep.

Posters all over China are appealing to "all social circles and the popular masses to please report all clues to the public security organs to help capture criminal He".

quarters, on trains or along railway lines.

In private gold, coal, and iron mines across the country explosives are used carelessly and illegally. Gunpowder is also used in fireworks, also illegally, which last year killed or injured 60,000 people. Next week, at the start of the new year, another attempt will be made to ban fireworks. In 1994, 26 people were killed when an illegal fireworks factory in Hebei province, near Peking, blew up.

Until recently those on the run were political figures. After the Tiananmen massacre in 1989, a 20-name most-wanted list was circulated across China. Many were Peking activists, but some

were from other cities where there had also been uprisings. Half of these were apprehended or gave themselves up. The rest, escaped from China, some helped by ordinary people and others assisted by Operation Yellow Bird, an underground network established by mostly criminal societies based in Hong Kong, with links to similar groups in China.

When Chai Ling, the Tiananmen "commander in chief", who now lives in Boston, surfaced with her husband in Paris in late 1989, she described how they were passed along the network for months, and her astonishment at the number of people who had risked their lives and liberty to help the fugitives.

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Day two: Now that newborn babies are known to react to pain, the focus is on the foetus

Can an unborn baby feel pain?

FROM YOU TO YOUR BABY

TODAY

● The anxieties that sleep reveals, and how men can produce healthier sperm

RESEARCH INTO THE FOETUS

No pregnant woman, about to submit to surgery on her unborn baby, would wish to contemplate what it might feel. For while the mother will be offered pain-relieving drugs, the foetus is given nothing.

Blood samples may be taken from the baby, its lungs or bladder drained or an operation performed while it is still in the womb. Until now, few doctors have questioned whether this is distressing for the foetus. Yet these are procedures which, if performed on a live baby without anaesthesia, would invite a charge of abuse amounting to torture.

The issue is attracting attention from some of Britain's most senior consultants including Sir John Peel, former gynaecologist to the Queen, and Sir Stanley Simmonds, former president of the Royal College of Obstetricians. They attended a recent meeting in London at which research into foetal awareness was presented.

Until 20 years ago doctors were taught that newborn babies did not experience pain in the way that adults did.

Practice changed in the mid-1980s when research showed that they produced a surge in stress hormones in the blood when jabbed with a needle. Operations on newborn babies are now routinely carried out with pain relief.

Since premature babies of as little as 26 weeks gestation now survive outside the womb, many older foetuses are undergoing surgery inside the womb without anaesthesia for which, had they been born, they would have received pain-relieving drugs.

Dr Vivette Glover, a psycho-pharmacologist from the department of paediatrics at Queen Charlotte's Hospital, London, says that although

Some doctors think the research is a waste of time

the foetus is exposed to many interventions which could be painful — including childbirth and abortion — it is an aspect of obstetrics that has hardly been discussed.

The perception of pain requires consciousness which, in adults, depends on electrical activity in the cortex of the brain. Dr Glover says: "Below 13 weeks gestation the foetus has no such cortical activity. After 26 weeks the full anatomical system is present and



These six-month-old babies can be seen to react to painful stimuli; now the search is on to find out whether the response starts even before birth

the foetus is quite likely to feel pain. The area of uncertainty is between 13 and 26 weeks."

The first study in the world of the foetus's response to pain, was published in 1985. The unpublished results, based on 47 cases, showed the cortisol rose 200 per cent and the endorphins 600 per cent.

Professor Fisk said: "This was the first demonstration ever that the human foetus

mounts a definable stress response to a potentially painful procedure and the level of cortisol, the main stress hormone, was compared. The unpublished results, based on 47 cases, showed the cortisol rose 200 per cent and the endorphins 600 per cent.

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into the umbilical cord. When a baby is stressed it shuts down the blood flow to non-essential organs, and directs the blood to the brain.

Professor Fisk is now experimenting by giving tiny doses of Pentamyl, an anaesthetic, to foetuses in the womb before submitting them to painful procedures. In four foetuses, which have so far received the

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into the umbilical cord. When a baby is stressed it shuts down the blood flow to non-essential organs, and directs the blood to the brain.

into foetal pain. Professor Fisk said there were scientific, practical and moral arguments for investigating the matter. Evidence in newborn babies shows that those given pain relief survive surgery better than those denied it.

"We were studying exactly the same things in the newborn ten years ago and there the whole picture has undergone a complete volte-face following the demonstration that surgery leads to huge rises in adrenalin and endorphins."

There remain doubts, however, whether the hormonal responses demonstrated by the research prove that pain is being experienced. Sir John Peel, who is also former consultant gynaecologist at King's College Hospital, London, said: "There are huge differences in individual responses to pain. The margin between pleasure and pain is sometimes difficult to draw but how these could be distinguished in terms of the hormonal response is not clear."

Dr Kyriacos Nicolaides, an expert in foetal medicine at the University of London, said: "The research shows certain hormonal changes. One may be related to pain and 55 others may have nothing to do with it."

Professor Fisk said the test would be whether giving pain-relieving drugs reduced the responses. But it was hard to gain support for the necessary research because obstetricians felt into two camps: those who felt it was obvious that the foetus felt pain and the work was therefore not worth doing, and those — including eminent members of the profession — who felt it obvious that the foetus could not experience pain and that the research was a waste of time.

JEREMY LAURANCE
The Women and Children's Welfare Fund, Two Office, Jedburgh, Roxburghshire, TD9 6NX

Interpret your dreams

THE RELEVANCE OF RECURRING SLEEP-IMAGES

The vivid and haunting dreams of pregnant women may hold the key to better motherhood, *Katie Knight* writes. Serene, ecstatic or frightening, recurring images during sleep can reveal your inner feelings about your pregnancy and, in turn, ease the transition from daughter to mother.

In *The Dream Worlds of Pregnancy*, Eileen Stukane says that while dreams are always highly individual, those of expectant mothers share common characteristics.

"They are valuable tools for understanding emotional highs and lows, the stress... of relationships, the adjustments a woman makes to her changing body and the conflicts that approach motherhood brings," Stukane says.

She interviewed hundreds of pregnant women and found their dreams were often thematic. During the first three months, a woman may find her dream populated by fertile images and small animals — cats, sheep and birds. These are surrogate dream images, a

reflection of her inability to visualise the foetus inside her.

Water and flowers are common metaphors. Some women visualise miscarriage, imagining baths of blood. These, Stukane says, spring from fear and reflect a mind adapting to a new "being" inside.

As pregnancy progresses into the fourth month, many women experience a greater anxiety in their dreams as the baby develops a stronger reality. Images such as being marooned at sea or stuck up a tree are common, suggesting isolation and helplessness.

Bulky pictures of cars, lorries and houses are often reflections of the woman's body-image as her mind internalises her physiological changes. And the partner usually makes recurrent appearances at this stage, often showing the female's anxiety about his ability to provide care and her fear that she is no longer attractive to him.

As the birth approaches, Stukane says, many women's dreams are an attempt to decipher the sex of the baby, with startling images of, for example, transparent wombs.

Stukane suggests keeping a dream diary. By examining the impact of your dreams on your waking state you can confront and articulate your anxieties, she says.

● *The Dream Worlds of Pregnancy* is available from Airlift Books 0181-804 0400. Further reading: *Baby Massage* by Peter Walker with photographs by Nick Smea (Platkus, £9.99), on massage and movement for your infant; *Your Natural Pregnancy* by Anne Charlish (Boxer, £14.99), advice on using complementary therapies and *The Alexander Technique Birth Book* (Robinson, £9.99).



Mothering instinct: the diaries project provides a valuable database

A voice for mothers to be

PREGNANCY DIARIES

A batch of diaries recording the thoughts, hopes and feelings of 700 mothers-to-be as they progress through pregnancy may hold the key to better maternity care. The maternity diaries, a £150,000 project commissioned by Trent Health, are part of Britain's first survey to record in detail the feelings of mothers during the full term of their pregnancy.

Dr Veronica James, a reader in Nursing Studies at Nottingham University and a director of research into the diaries, says the aim is to collect a body of data to help to discover a woman's needs during pregnancy. Researchers plan to record everything from the mother's relationship with her midwife to each clinic visit, from the day she realises she is pregnant until six weeks after the birth.

"The idea is that the diaries will give pregnant women a voice," says Dr James. "Each is divided into sections with titles such as 'About myself and 'Records of my previous maternity experience'. It asks them to record, for example, how they felt each time they visited their clinic — did they feel comfortable there, would they have preferred to go elsewhere, were they given the information they needed?"

The diaries also provide space for the women to record their more general thoughts on pregnancy and childbirth.

Researchers have already received the diaries of some women who have miscarried and these, too, should yield valuable research data.

The diaries allow room for partners to record their thoughts, and provide pages for scan pictures. "We wanted to strike a balance between creating a souvenir to encourage women to keep the diary, while also

making it a valuable receptacle for research data," says Dr James.

A pilot project, in which 15 women at various stages of pregnancy kept a diary for a month, showed that most enjoyed the experience of committing their thoughts to paper. "Many of them found it quite liberating," says Dr James.

Julie Sadler, a mother of two from Nottingham, had just given birth at home to Philip, now nine months, when she was asked to record her experiences and the level of care she received during and after labour.

"I very much enjoyed writing it. Pregnancy and motherhood is such a major event in a woman's life, but no one ever really asks you about it in detail," she says. "When I had my first child, I wasn't particularly satisfied with the care I received but I didn't know who to talk to about it. I didn't feel there was a way of recording my dissatisfaction."

"After Philip's birth, I was able to record in detail my feelings about my midwife care during the labour. This time I was very happy with it."

"The diary provides a valuable opportunity for women to voice their needs. In a restaurant, a waiter will ask whether your meal was OK. No one asks how your pregnancy was. I hope the diaries help to change that."

The project is part of wider research into maternity services in the Nottingham area, and stems from a new Government policy, *Changing Childbirth*, which aims to give women more choice in health-related issues throughout pregnancy.

Most of the diaries, which run to 322 pages each, are expected to be returned between May and July this year. Researchers will then begin collating the data.

KATHRYN KNIGHT

Why a fit grandfather has more sperm than his son

EFFECTS OF AGE ON FERTILITY

IN THE couple of minutes it will take a healthy, relaxed man to read this piece, his testes will have produced another 120,000 sperm. The speed of sperm production and the efficiency of the manufacturing line would have pleased even Henry Ford. But, the testes, like other production lines, can be disrupted by external forces.

Any disease which undermines a man's general health will interfere with his sperm production, as can stress. Smoking tobacco or cannabis reduces the number of sperm and very probably increases the number of abnormal forms. Obese men are less

fertile than the slim. Alcohol may benefit the cardiovascular system but its effect on sperm production can be catastrophic. Recent research at the Royal Free and Chelsea hospitals confirms that the more alcohol a man drinks, the less fertile he becomes. One ancient aristocratic family was about to die out as the title-holder had neither heirs in the nursery nor sperm in his semen. His doctor forbade all alcohol, sperm returned and the lineage was assured.

The effect of age on sperm production is unexpected. Professor John Aitken of the Medical Research Council Unit of Reproductive Medi-

cine in Edinburgh says that there has been only one careful study, in Germany. It produced a surprising result: healthy grandfathers had higher sperm counts than their sons and grandsons. Any loss of fertility from increasing age had been obscured by the overall reduction in fertility which has increasingly affected Western men as this century has progressed. Men born in the 1970s are likely to have

sperm counts only half of those born in the 1930s.

Although in the German study the oldest donors had the highest sperm count, occasionally babies born to their partners may suffer as a result of their age. Dr Michael Baraitser, a consultant clinical geneticist at Great Ormond Street hospital, said that although the children of elderly fathers were usually just as healthy as those of younger men, they

were twice as likely to suffer from the effects of a genetic mutation which would give rise to an abnormality. Such diseases range from achondroplasia, a form of dwarfism, to Waardenburg's, in which the symptoms include a white streak in the hair, loss of hearing and speckled eyes. Fortunately, as Dr Baraitser explains, the number of times that such mutations occur is not great.

The effect of age on a woman's reproductive life is better known. A woman is born with all her eggs, the production line closed at birth, and ideally from puberty the eggs mature at monthly

intervals. The quality of the ova deteriorates with advancing age and with it her fertility. Foetal abnormalities are also more frequently found in children of older women. In young women, for instance, the incidence of Down's syndrome is one in 2,000 live births; by the age of 40, it is about one in 40.

One simple measure to reduce the chances of having a baby with many of the foetal abnormalities, is for women of all ages to take folic acid, a vitamin, before they plan to become pregnant.

DR THOMAS STUTTAFORD

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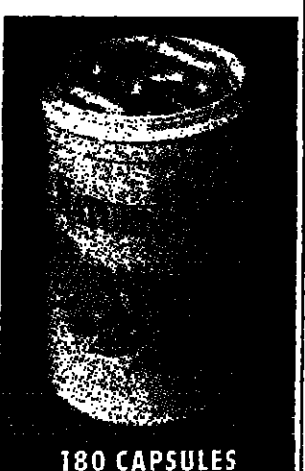
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Down and out in India and St James's Palace



Why should a Duchess profess envy for slum dwellers? Nigella Lawson ponders what happens when discontented wealth meets dire poverty face-to-face

I am not sure that if I were living in squalor in an Indian slum, I would greatly relish a rich, royal Western woman telling me how well off I was. But perhaps I would be flattered. After all, it would have been rather worse if the Duchess of Kent, on her visit to the slum and the Hindu women who live in it, had simply squinted sympathetically at them and murmured: "Poor you, how perfectly dreadful..."

It may be crude to point out that the Duchess, admirer of the life that is lived in such poverty, has been staying in comfort in modern hotels during her stay. Of course she has been. It would be madness to choose to dwell, even temporarily, in the sort of discomfort that prevails in the slums. It may not be madness for the Duchess to be so convinced of the superiority of the slum life compared to the Western decadence she laments.

It's not new, of course. The rich and relatively comfortable have

always envied what they saw as the purity of the poor. Marie Antoinette didn't dress up as a shepherdess simply because she thought the costume becoming. Only those who know nothing of financial and concomitant hardships can congratulate themselves on questioning the benefits of material comfort and privilege. The cynic might say that seeing poverty as a sign of spiritual richness is a damn fine way of doing nothing to alleviate the sufferings of the poor without having to feel guilty about it. Religion's smart money has always been on that card: telling people that it's not the poverty in this life that matters but the celestial riches in the next is, as Marx and others have pointed out, a sharp political move.

And meanwhile the rich can award themselves the luxury of envy as they point out that it is harder for them — harder, indeed, than it is for a camel to pass through the eye of a needle — to enter the kingdom of Heaven. Why then, the poor are lucky.

God's on their side. Surely the enduring tendency of the well-off to see the life of the materially deprived as spiritually blessed stems from the scriptures. But it is more than a biblical teaching: it touches a chord within us. As society has become more affluent, the notion seems to have ever more resonance: for only those with no idea what it is like to live in grinding poverty can think there is comfort in it.

I am not sure whether this belief comes from a sense of guilt about our own material comforts or a feeling of disappointment that these do not make us as happy as we would like to be — or simply and more likely, a mixture of both. But we take so much for granted that we are no longer able to imagine truly what life would be like without everything we are privileged enough to affect to despise. It is easier to be Anita Roddick, thinking that the savage life in some underdeveloped scrub is a superior existence than it is if you're the one stuck in the scrub in the first place.



The Duchess of Kent: admirer of the simple life

this simplicity is in reality. People have no idea: they really do feel that getting stuck in a traffic jam twice a day and working too hard for a lot of money is more stressful than watching your infant children die of dehydration and not knowing yourself if you'll live to see the next day.

I am not saying that life is not hard for us too: unfortunately suffering is not relative; we all feel our miseries and hardships absolutely. I balk at the count-your-blessings school (although I am trying a bit of teach-yourself on the subject) but I do think some self-awareness is necessary.

Although galling and prone to hideous hypocrisies, the belief that our moneyed, Western way of doing things is, in all important concerns, inferior to rougher ways of life (as if having no running water or sanitation somehow sanctified existence rather than made it hard and foul) is up to a point better than assuming that our ways are always the best.

And perhaps the Duchess is right: perhaps in gaining materi-

ally we do lose other, important things. Perhaps the price of civilisation is that we behave, in some respects, in a less civilised manner. She envies the Hindu women for fostering a society which values its elders and respects the commitments of family. Showing a fluency in New Age-speak which appears to be the second language of the Royal Family these days, she praises them for "living in harmony with love".

She is clearly sincere, and no one who tries to do good or be good should be disparaged for it. But if I had to choose between living in an Indian slum or St James's Palace, I don't think I'd have much trouble making up my mind.

read very little that was written before the 20th century, apart from the obligatory Shakespeare play on the A-level syllabus. These academics quite rightly castigate those who have fashioned an A-level English literature syllabus which allows pupils to read more or less nothing but modern writing.

"We find," says Professor Martin Dodsworth, "that promising applicants have read nothing earlier than Thomas Hardy."

Have read nothing earlier than Thomas Hardy? I understand that the A-level syllabus means they might not have been examined on any earlier writings, but it does not follow that these students should therefore not have read any of them. It might well be a good thing to change the syllabus, but I think the pupils who sit the exams must take some responsibility for being so ill-read. Surely anyone who wants to read English at university should want to read, should have read, books that are not on the syllabus?

One of the great things about reading is that one needs no training, no expertise, no special permission or qualifications to do it. One reads for the pleasure of it, not because an A-level syllabus tells you that you ought.

University English departments should not be in the business of catering for those students whose reading is confined to the requirements of any examination syllabus, even their own.

Chaucer? No chance

ANY don you care to mention has been speaking out for some time about the ever-increasing ignorance of each new generation of the undergraduate population. The fact that academics have probably been doing this ever since the ancient universities were established doesn't necessarily mean they are being bufferishly alarmist now.

But what strikes me is how readily some academics exonerate these students themselves. The latest assessment of the standards in university English departments finds that undergraduates have

The deadly charm of Scott's secret weapon

A voice for mothers to

Presley Baxendale's girlish giggle and gentle manner mask her killer instinct and her talent for grasping important details, says Julia Llewellyn Smith

Three weekends ago Presley Baxendale, QC, the dark-haired and exotically named counsel to the Scott Inquiry, celebrated the report's completion with a trip to Paris with her best friends Harriet Spicer, the former managing director of Virago, and Merve Haran, the novelist. "It was Presley's idea: no men, no children, just three girls on the Eurostar," says Haran.

The women, friends since Oxford, blitzed the Musée d'Orsay, trawled Galeries Lafayette and, over long and gossipy dinners, gently teased Baxendale about her new status as Sir Richard Scott's hit-woman. What was her secret, they asked. "Presley said 'It's quite simple, I'm a devil for detail. I really knew my stuff'," says Haran.

This intimate knowledge of mountains of paperwork certainly agitated Baroness Thatcher when she was cross-examined by Baxendale. "I had the transcript pinned to my wall for a while," says Haran. "It says 'Thatcher (wearily) 'Is there more paper?' I have never seen so much paper. Then Baxendale (perkily) 'Oh, there is much more paper. That is so like her.'"

An unfailingly cheerful disposition is another key to Baxendale's dazzling success. Observers have noted her habit of giggling girlishly as she goes in for the kill. In a sketch of the Scott inquiry, John Mortimer noted approvingly how Baxendale beamed it the throngs of journalists.

Such geniality can be misleading. Numerous former cabinet ministers can count themselves victims of Baxendale's famously soft approach, which William Waldegrave has described as "offensive".



'Her looks and her manner belie her many talents'

Sir Louis Blom-Cooper, QC, says: "She can lead people up the garden path more easily than anyone I know. She has this slightly feminine charm and a deceptive way of asking questions, so you don't feel you're in the presence of a hostile examiner and then you feel a pit has been dug and you have fallen into it."

Gareth Roscoe, legal adviser

Baxendale, 45, was educated at St Mary's, Wantage, a school better known for turning out Sloaneys socialites, such as Lady Helen Taylor, Serena Stanhope and Susannah Constantine. She read law at St Anne's College, Oxford, where her tutor was Ruth Deech, now the Principal. "I couldn't say there was anything out of the ordinary about her," says Mrs Deech. "She was a thoroughly nice, hard-working, unexcited pupil in a very gifted generation of Oxford women."

And a contemporary says: "You wouldn't have said she was going to be wildly successful. She wasn't a 'gnome' ploughing through piles of cases in the library. But she did enjoy the law."

"At Oxford we were the bad girls, who just wanted to have fun," says Haran, who shared a house with Baxendale and Spicer. "By that I don't mean there was a lot of drugs and drinking, because there wasn't. But we weren't desperately ambitious. We didn't want to be president of the Union or play Juliet in OUDS. The only society we all joined was the Wine and Food Society."

triumph of bohemianism. "Presley wore a pink 1920s dress and all her family came in fantastic clothes," recalls Haran. "I seem to remember her sister in a kimono."

"She was the first of us to have children, so we are always ringing her for advice on everything from gripe water to ghastly adolescence."



'At Oxford we were the bad girls who wanted to have fun'

After Oxford, however, things began to accelerate. Baxendale, who had graduated with a 2:1, came third in her year in the Bar exams and in 1974 joined 2 Hare Court, the chambers of a High Court judge and family friend, Sir Anthony Lincoln. She made her name and honed her diffident style as a counsel for the tribunal in the notorious Jasmine Beckford and Kimberley Carlie child-abuse inquiries in the 1980s, which were chaired by Sir Louis.

In 1978, Baxendale, whose previous boyfriends had never conformed to the public school/Oxford mould, married Richard Fitzgerald, a tax barrister whom she had known before university and who had, apparently, always stated his intention of marrying her. Their wedding was a

Baxendale's daughter Felicity, now 13, is a boarder at Downe House, in Berkshire. ("Felicity wanted to board, Presley was very tearful about it"), while Charlie, nine, attends a London day school.

Fitzgerald, says Sir Louis, is "a backroom boy, a very nice man, who professionally only rarely appears in court and at home takes a bit of a back seat". His passion is doing up houses and moving, so the family have lived at a succession of addresses, culminating in their present five-storey

house in a Nash terrace in Regent's Park, worth £1.5 million. Weekends are spent at Fitzgerald's family home in Wadhurst, East Sussex.

No one underestimates the pressures of such a demanding career and a young family. "I am astonished that anyone can do it," says Sir Louis. During the Scott inquiry, Baxendale would arrive in chambers at 5am, in order to be at home for the children by 6pm. In the summer she takes six weeks off to be at home.

"She adores her work but she has always had the capacity to switch off," says Haran. She is not an aggressive networker, preferring to relax with a crime novel and her family than to attend a glittering dinner party. Like all busy mothers she patronises Marks & Spencer. "I often go round for an M&S lunch on Saturday and my children love it," says Haran.

After three years of Scott, Baxendale's former clients, which include virtually every government department, are baying for her to return. Everyone predicts great things for Baxendale, who commanded a rate of about £800 a day for the inquiry and could expect considerably more if she returned to the field of commercial law. "She's outstanding," says Sir Louis. "If she wants in there is no doubt she will go on the High Court Bench." The problem is that Baxendale is uninterested in such glittering prizes. A fellow lawyer says: "She wants to do a good job but she has no ambition in the money, status. Establishment sense — absolutely not. I hope she does become a judge though — she would be brilliant, as she always has been." Her ego, everyone agrees, is non-existent. "She is never pompous and never arrogant and for that reason she is a wonderful team player," says Spicer. "That is why she has served the inquiry so well."

Presley Baxendale: "Her secret is probably that people don't expect such penetrating questions from someone with such a good sense of fun"

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A culture in need of cold turkey

Magnus Linklater on the film that divides families

When tickets went on sale last week for *Trainspotting*, a film already described as "the most odious of the year", there were queues outside the cinema in Edinburgh, snaking round the block. Odious it may be, but it has also been accorded the status of "cult movie", and the lavish advance publicity has almost guaranteed box-office success, particularly with younger audiences. That it shows scenes of irredeemable squalor in the backstreets of Leith, that it is about heroin abuse at the rock-bottom of society, and that, on the admission of its makers, it takes no moral attitude towards drugs, has far from undermining its appeal — actually enhanced it.

The stark message emerging from the *Trainspotting* phenomenon is the rift it reveals between the generations on the subject of drugs and their insidious appeal. To judge from the success of Irvine Welsh's novel, and the theatre adaptation which played to full houses at last year's Edinburgh Festival, most of the young who read or see it accept it fairly uncritically as a genuine portrayal of life in the raw. Most of their elders

will buy you more for your money than a year ago, and will give you a couple of days' escape from ordinary life. The number of teenagers who smoke rather than inject it is on the increase. There is nothing funny about the bleak housing schemes where young addicts from an abandoned underclass live from fix to fix in conditions of desperation and danger. Few of those who go to see *Trainspotting* will ever have encountered directly this level of hopelessness and defeat.

Nevertheless, the young cinema-goers who will make up the bulk of the movie's audience are likely to accept the drug-taking scenes with far greater equanimity than their anxious parents. It is hard to grow up in Britain today without encountering drugs in some form or other. As one Glasgow schoolteacher said on radio the other day: "My primary children know far more about drugs than I do."

They know about Ecstasy, Temazepam, speed, cannabis and LSD, and may well have experimented with some or all of them, whatever their parents may choose to believe. They have probably steered clear of heroin itself, but they

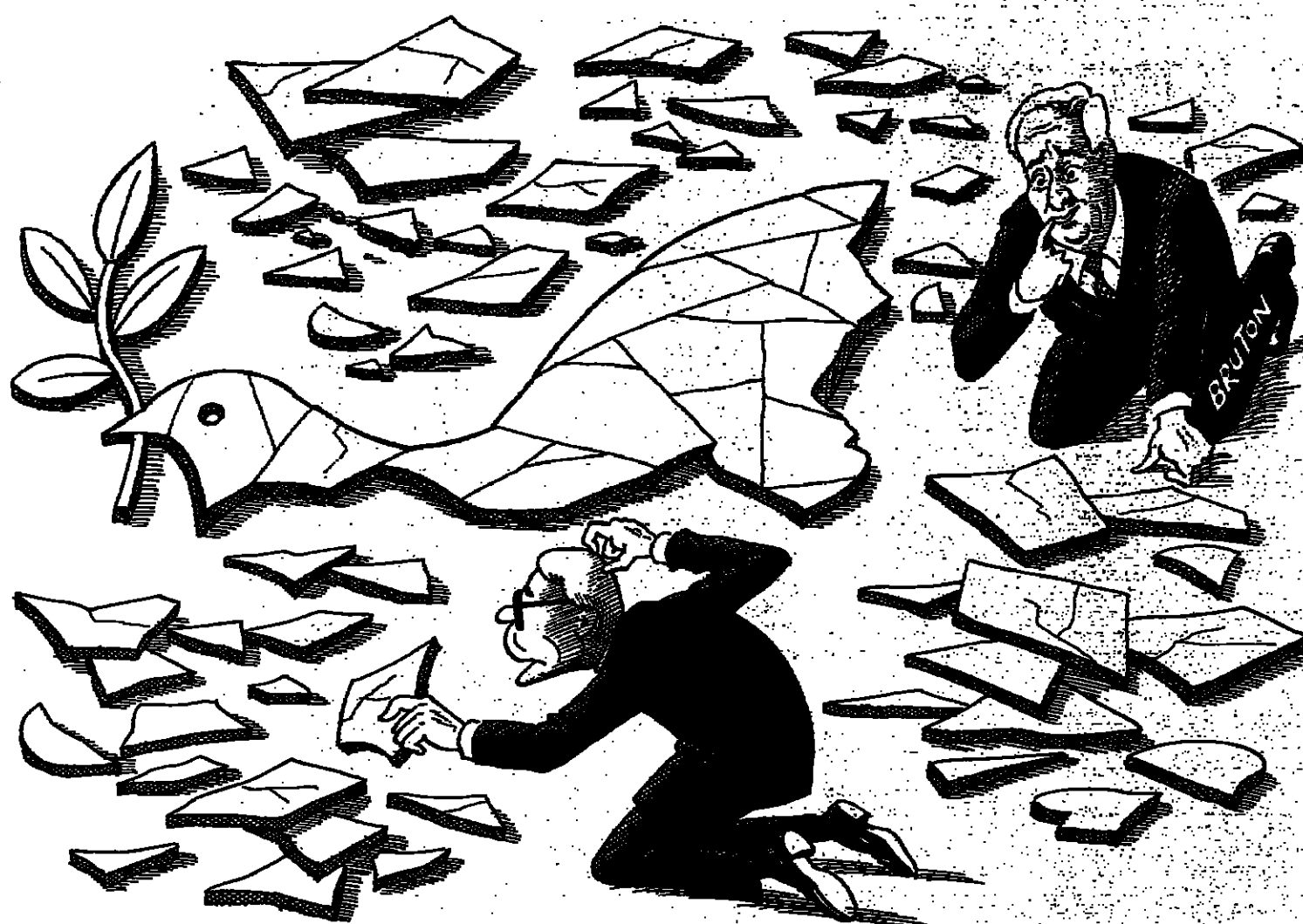
Police admit they are already losing the drugs war

are unlikely to be greatly shocked by its use. There is a culture now in Britain that sees hard drugs as acceptable. And the fact that an older generation is appalled by their use and the consequences of their abuse merely fuels interest: there is no greater spur to experimentation than parental disapproval.

At the same time, the destructive effect of drugs, the misery they cause, above all, their sheer availability, is one of the great menaces in modern urban society. Police, who deal on a daily basis with their effects, believe that they are losing the war against them. Those who have lost children innocently exposed to drugs, such as the parents of Leah Betts, are united in their determination to fight them. So what does one make of a film whose makers declare that they take "no moral attitude" towards heroin?

It would be pointless to condemn the making of a classy and stylistically successful movie. That it deals with a culture from which we may naturally recoil does not mean it has no merit. But it can at least be taken as a starting-point for a serious debate about drugs. Parents should see it as well as their children. They are likely to learn more than they ever thought they wanted to know, but that may be no bad thing. At the very least it will provide some common ground for discussion, rather than the usual unbridgeable gap which tends to open up when the subject is raised.

And it might help if Irvine Welsh, the author of *Trainspotting* and now something of a cult figure himself, were to descend from the fence and deliver his own verdict on the nightmare he has portrayed.



PIECE PROCESS

Governing ambiguities

The evasions of ministers and those of Sinn Fein are too close for comfort

William Empson, the Thirties critic and poet, identified, in his book of that name, *Seven types of ambiguity*. How sad that Sir William died nine years before the opening of the Scott inquiry: he might have clocked up a couple of dozen more. No textual analyst, after all, could resist the sheer majesty of David Gore-Booth's notion of "rigorous implementation of a flexible interpretation", still less Tristan Garel-Jones's Humpty-Dumpty explanation that "unquantifiable damage" might well have meant "unquantifiably slight", or the revelation that "Half the picture can still be true".

Nor did Empson have the advantage of listening to Gerry Adams, that man of peace, explaining that he could not possibly "apportion blame" for a bomb for which the "responsibility" indeed rested with the IRA, but that he blamed the British for playing a "high-risk game". Ambiguities, professor? We've got 'em. Anthony Eden's "We are not at war with Egypt. We are in armed conflict" would today seem a soothingly straightforward statement.

Empson's seven types, for the record, were metaphor, double meaning, disconnected meanings in pun or allegory, and alternative meanings betokening "a complicated state of mind" in the author; also fortunate confusion, direct self-contradiction and the seventh, the big one, which "marks a division in the author's mind". The modern politician or civil servant must regularly employ all seven types at once. Or, as Mr Major put it to the Scott inquiry, "Something I was not aware had happened suddenly turned out not to have happened". Quite. Beam me up, Scotty.

Members of the Government will, I am aware, already be seething with indignation at this juxtaposition of Gerry Adams with their own ambiguities. But over this bewildering and disorienting few days, I have been finding more and more parallels between the different types of political obfuscation. The fact that Westminster and Whitehall have for so long been performing the dance of the seven veils themselves must have made it easier for them to draw close to Gerry Adams, the master of double meaning and uncertain alliance. It may even have made it easier to believe that Mr Adams genuinely could be a shining beacon of peace and at the same time a reliable spokesman for people who murder harmless

newsagents. Adams may be loathed by those in Britain who deal with him, but he is perfectly well understood: they too know what it is to hold several contradictory positions and still think well of yourself. It is part of their culture.

Occasionally, a politician past caring will utter sudden awful truths, illuminating that culture. It happened when Alan Clark said "Morality — I don't like the word" and blew aside all the careful fluff about "rigorous implementation of flexible interpretation" by scornfully observing "Bah, you can't break a guideline any more than you can break a blanc-mange". Clark admits he was able, without a backward glance at the quivering Whitehall blanc-mange, effectively to coach Matrix Churchill directors in how to phrase an export licence for shell-making machine tools so as to weasel past the high-minded guidelines of his ministerial colleagues. It did not seem to him an awful thing to do, or an unusual one; just a governmental function.

Less cavalierly, Lord Howe of Aberavon can now — in retrospect — excuse the ambiguity of flouting your own rules by referring plaintively to "the real world, in which this country has to make a living". One day, perhaps, Gerry Adams will be retrospectively candid too, and write an autobiography in which he admits that he actually lost his influence with the IRA in the early 1990s, but felt he ought to bluff on regardless, all the way to the White House lawn.

Sometimes these late outbursts of frankness take the form of peevish fury against those who just don't understand. Tristan Garel-Jones, one of those who signed the public interest immunity certificates which could have led to the conviction of the Matrix Churchill directors, lashed out on Sunday under the shrill headline "Stuff it, Scott!" He is particularly wounded by Bernard Levin's having accused the PFI signatories of a crime "second only to murder". Mr Garel-Jones, three years a junior minister

and otherwise mainly famous for being the man who, Alan Clark confides, regularly calls him "Baby", goes on to excoriate journalism and to advise pensioners against lending their lawn-mowers to Mr Levin.

But rage apart, what he seems to be saying is what they all say: that proper "governance" (a Harold Wilson word, that, mainly deployed when backs are to the wall) can only take place in an atmosphere of secure "confidentiality". Also he says that the Scott inquiry should never have been set up: not least because Sir Richard has no experience of government (or even governance) and therefore does not appreciate how much "skill and integrity" goes into making decisions when — and here is the hard core of sense in his argument — "the best option is hardly ever on the table".

The choice is generally between second, third, even fourth, best. Achieving second best can often be a triumph.

This is the regular line taken by all apologists for the weakness of what happened over Iraq. They tell us that it was a very difficult problem, and that they could not see another way round it. When Mr Hurd says that it would have "seemed very cynical" visibly to relax the guidelines just after Saddam Hussein gassed Kurdish villagers, his worry was not that it would have been very cynical: government was cynical all along. An administration committed to increasing overseas trade and protecting British jobs always knew that it would do almost anything to preserve the half-million armaments jobs which hang on our continued trade with unsavory regimes. But it could not be seen to hold this robust attitude to "earning a living in the real world", because it did not trust the electorate or Parliament to see the point. Hence the Alice-in-Wonderland nonsense drawn out by Sir Richard Scott and Presley Barendse.

As a lay poliotherapist with a forgiving

nature, I am prepared to believe that none of them enjoyed the deception much. Nor am I especially anxious to see heads roll. It is quite believable that the ministers in the affair genuinely felt, for all these years, that it was their duty to do one thing and appear to do another. The Whitehall habit of evasion and ambiguity was already in place when they began; it nourished and encouraged any deceptions that occurred, up to and including Mr Garel-Jones's belief that the PFI certificate would not influence the judge anyway and that "unquantifiable" can simultaneously carry two opposing meanings without hurting a fly (remember that, next time your lawn-mower comes back from the neighbours with an unquantifiably small amount of petrol left in it).

I am also prepared to believe that Mr Major, in setting up the inquiry, genuinely deplored this miserable culture and was willing to torpedo it and start again with more open government. If he could just get his nerve up and say so on Thursday, his colleagues might hate him, but the nation would probably applaud. However, I doubt whether Sir Richard Scott, in bothering to look on vases for bouquets, the culture is very strong, maybe stronger than the PM himself.

But the emotion it arouses is, above all else, pity. Why do we force these poor saps to tie themselves in knots? Why do we demand that they speak in riddles? Why was it never possible for any of them to say to us "Get real, you sentimental lot! This is the bottom line. Either we sell arms to this murdering swine, or we lose thousands more jobs in Britain, which will mean a pence on the income tax to build alternative jihadist industries. Which do you want? What will you pay for a clear conscience?"

Perhaps it is our tediously adversarial political structure which makes such frankness impossible, perhaps it is the media, perhaps it is the ancient voodoo of the tribes of Whitehall. Maybe it is not impossible at all, and a leadership should try it. It could even offer referenda on such sticky issues. The technology is here: there are computer terminals on every corner. Why not hijack Cameo for a day — twice the nation's favour — and let us hand over our poll card, push "666" for selling arms to the new Saddam or "0" for the moral high ground. Simplify the governance. Tell us, and ask us.

Libby Purves

Why we love the Lords

Woodrow Wyatt on the value of hereditary peers

On Sunday Mr Blair continued his theme of reforming the Lords with another attack on hereditary peers. The 1st Lord Brockton, he observed, got his peerage by paying Lloyd George, the present Lord Brockton, a Tory, has now been jailed for fraud. This is a non sequitur. The case is unrelated to the Tory belief in hereditary peers. Nor was the case of the late Lord Kagan, of Gannex mackintosh fame. He contributed substantial sums towards the running of Harold Wilson's office when he was Opposition leader, was elevated to the peerage by Wilson in 1976, and had his knight-hood removed in 1981 after being jailed for fraud — which is hardly a Tory prerogative.

To be credible, Mr Blair must stop his sneers and begin to think of the implications and side-effects of his reform plans, apparently aimed at improving democracy. Commons MPs are not chosen by the generality of voters, but party members, who in practice are represented by a caucus of a few hundred activists. Other voters have to vote for the candidate presented, however much they may disapprove of him or her. In America, all voters are entitled to register as Republicans, Democrats or Independents; they do not have to subscribe. Then, in the primaries, they choose between their party's candidates — a far more democratic system.

Nor, in practice, does the Commons act as a fully democratic chamber, owing to the whipping mechanism evolved since the 1832 Reform Act. The Lords, on the other hand, vote freely according to their convictions, regardless of whips.

After a general election, the Commons meets basically as an electoral college to confirm the leader of the winning party as Prime Minister, and for the supporters of the next largest party, or coalition, to confirm the Opposition leader. Thereafter, the Prime Minister chooses the date of the next election and, except in exceptional circumstances, carries the bulk of what he and the Cabinet propose into law.

Mr Blair, who is dictatorial by nature, would revel in these powers. He would order the Scots to have their own parliament, able to exact additional taxes, whether they want it or not. Likewise, Wales is to have a separate assembly, though the Welsh are not asking for one, and regions of England will, if Blair so pleases, be forced to have an extra, expensive and unnecessary layer of government through regional assemblies. Meanwhile, Blair has not yet explained why, with a Scottish parliament, Scottish MPs at Westminster should be allowed to vote on English matters if English and Welsh MPs were barred from voting on Scottish matters — the West Lothian question.

Mr Blair tells us that mucking about with the Lords is a step towards an elected second chamber, chosen presumably by a system as democratically defective as that for Commons MPs. This would be a nightmare. An elected second chamber could not be denied the right to block Commons legislation. Today, the House of Lords cannot derail Commons legislation for very long and, wisely fearing that its limited powers might be removed, rarely exercises them to the full. It most certainly would if Mr Blair's ill-considered reforms came before it. Surely not even Mr Blair would wish to be prevented from carrying through measures he might consider more important by being bogged down in constitutional issues — though it might have the advantage that he would be unable to wreck the economy so soon.

In his remote fastnesses, cloistered with ardent, admiring aides, Mr Blair imagines that bashing the Lords is popular. On the contrary, the country loves and values the House of Lords, despite and even because of its eccentricities. Frequently it catches the public mood better than either the Government or the Commons. It was, for example, way ahead of the Commons in backing Sunday trading and Sunday racing.

Hereditary dukes, marquesses and earls are more highly regarded by ordinary people than they may merit. They are seen as five, romantic evidence of a history we are proud of, some of those most distinguished for their services to the State come from lines which began with royal bastards. The public does not much differentiate between the lesser fry of hereditary and life peers. To debate hereditary peers from voting or attending the Lords would be silly. Are we to lose that spiky critic of the Government, Earl (Conrad) Russell, descended from Lord John Russell who carried through the 1832 Reform Act? Or Lord Carnarbone, whose genes carry the accumulated political skills of the Cecil? What baldedash, I agree, though, that a constant injection of life peers is needed to keep up the high quality of debate, legislative revision and compromise work. Much trouble would have been saved if, as Bagehot wrote, "The House of Lords had not resisted the proposal of Lord Palmerston's first Government (in 1835) to create peers for life". On mature reflection, Blair should go no further than Palmerston wanted.

Coded praise

QUEEN ELIZABETH the Queen Mother is today expected to perform her first official engagement since her hip replacement before Christmas. She is due to unveil a memorial at Westminster Abbey to the Special Operations Executive, which was formed as a secret service in July 1940.

Although Clarence House refused yesterday to confirm her attendance, former members of the

operations executive are brushing down their togs to greet her at the Abbey. Veterans are delighted. Leo Marks, who as a stripling of 20 ran the codes for the resistance movement, spoke of her great interest in the executive.

"She and the late King came to inspect our cipher artefacts once," he says. "His Majesty stood at one end of the room and we sent him a shortwave radio message, encrypted by Her Majesty. Nobody could decode it for a very long time because she had made a mistake. It became known as the Queen's mistake."

Marks told her years later that her very mistake had actually helped to crack an indecipherable code in one of the most important operations of the war. "In the operation to blow up the Germans' heavy water plant, we couldn't decode the first message they sent us," he said.

"In desperation I said, 'Try the Queen's mistake.' And we cracked it — the agent had made the same mistake as Her Majesty." When she heard of her contribution to the war effort, she was modestly itself. "I'm so glad to have been of some use," she said.



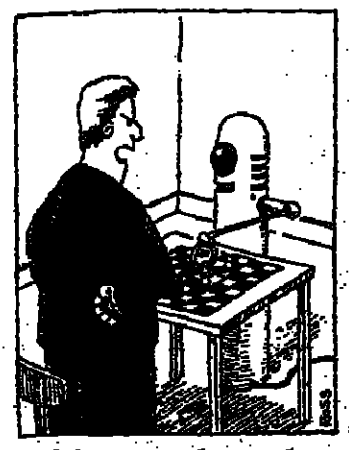
As patron of the National Youth Theatre, Prince Edward turned out on Sunday night for its 40th birthday party at a London hotel, where Rory Bremner provided light entertainment. "I just don't seem to be getting my message across, Dad," said Bremner's Prince Charles. "Well why don't you try my mobile phone?" replied his Duke of Edinburgh. Prince Edward laughed like a drain.

Oh yes

PROOF that John Major has a sense of humour comes from his former press secretary Gus O'Donnell, who persuaded the Prime Minister to sign a book he gave his brother for Christmas. The book was a compilation of Private Eye's spoof on the Adrian Mole diaries, *The Secret Diary of*

John Major aged 474, which depicts the Prime Minister as something of a pant-wetter. O'Donnell finally plucked up his courage and presented Major with a pen. He didn't even blink, oh no.

The Prime Minister was happy to sign it, says Gus. "He even signed it in the style of Adrian Mole — though I don't think he's a regular reader of *Private Eye*."



Right, smarty, let's see how good you are at Scrabble!

Sensibility, has already moved on. The talk among movie movers is that she will star with Robert Redford in the screen adaptation of *The Horse Whisperer*, the tale of a man who heals horses, which earned first-time British novelist Nicholas Evans £2 million when he sold it to Hollywood. Evans is now rumoured to have been offered "a Martin Amis" (an advance of around £500,000) for his next book.

The whisper is

EMMA THOMPSON, who is expected to receive at least one Oscar nomination today for *Sense and*

Scandal, has already moved on. The talk among movie movers is that she will star with Robert Redford in the screen adaptation of *The Horse Whisperer*, the tale of a man who heals horses, which earned first-time British novelist Nicholas Evans £2 million when he sold it to Hollywood. Evans is now rumoured to have been offered "a Martin Amis" (an advance of around £500,000) for his next book.

Scene stealer

A CASE for Inspector Google, the ghostly policeman of *An Inspector Calls*. Last London detectives are baffled by a burglary at the Garrick Theatre, where J.B. Priestley's classic drama is showing.

The company manager arrived to prepare the theatre for Friday night's performance, only to find that a prop-burglar had been oddly cheery. Only the cheap landscape pictures and ornaments adorning the walls and mantelpiece were missing. "A man was on the door all the time. We've no idea how anyone could have got in or out," says a baffled thesp.

THE BRITISH cleaning lady is an indomitable soul. Early yesterday,



Emma: moving on

Mrs Mary Shelley, 63, emerged from the devastation of London's Docklands at breakfast time to complain about the mess on the carpets.

Three of her fellow shift workers turned up as usual at the London Docklands Development Corporation building, which took an indirect hit in Friday's blast. Undeterred by piles of shattered glass and masonry dust, she tipped over to clean the lavatories and refill the loo-roll holders. Then she emptied the rubbish bins. "You couldn't do any Hoovering," she explained.

So messy

THE BRITISH cleaning lady is an indomitable soul. Early yesterday,



Decoder extraordinary



AFTER THE BOMB

Another ceasefire can never be enough

The Prime Minister made a powerful appeal for democracy and the peace process last night. His determination to strengthen the strained Anglo-Irish axis with a rapid summit should be applauded. But in his anxiety to see something survive after all the sacrifices and exertions of the past 18 months, he and his supporters should not lose sight of what last Friday has revealed about the republicans. Another ceasefire can never be enough.

Proof of a permanent commitment to peace will be required before any party can play a part in shaping Northern Ireland's future. There are signs that the IRA is already constructing a trap for the two Governments. Reports from the Republic suggest the IRA saw the attack on Docklands as a "one-off", a peremptory shock designed to jolt the British Government out of its complacency and into calling immediate all-party talks. Making points by killing innocents is as callously inhuman as it is counter-productive. Moreover, even if the British had not brought the Unionists to the table, Sinn Féin had either decommissioned arms or embraced elections.

Nevertheless, there are rumours that Sinn Féin, after time has been allowed for the atrocity to sink in, or perhaps after another similar affront, will offer a new ceasefire. The republicans may calculate they will have made their point and proved their determination not to be trifled with. They could hope the two Governments will believe progress is impossible without the republicans and will invite Sinn Féin to full talks.

Extending that invitation would be dangerous folly. Another ceasefire would be, even more blatantly than before, a cynical tactic.

It would be abandoned if talks went the wrong way. Any new commitment to peace would be a pretence unless it were accompanied by proof that the IRA had forsaken violence.

There are those who argue that peace is impossible without the agreement of Sinn Féin/IRA. In the Irish Republic the main opposition party, Fianna Fáil, has urged the Taoiseach, John Bruton, to talk to Sinn Féin. In America, Congressman John King, Chairman of the ad hoc committee for Irish affairs, assures us that "there is no question of a weakening of confidence in Gerry Adams."

"Clinton", he says, "recognises that Adams is essential to the peace process." The reverse is true. Mr Adams now appears redundant to the peace process. If he still speaks with any authority, it is as the emissary of men who deal in ultimatums, not negotiations. There is no room for the imperative rasp of the blackmailer at democratic discussions.

There was a peace process before the ceasefire and it can survive the resumption of war. All of Ulster's constitutional parties have moved from their entrenched positions. There may be the basis for a tentative consensus on restoring accountability to the Province while respecting diversity.

The challenge for those, such as John Hume, who risked so much to give the republicans a chance to change is to work now with those whose commitment to democracy can never be questioned. The challenge for the Unionists is to reach out to moderate nationalist opinion and show imagination in embracing ideas which can build confidence. The IRA should not be allowed to set the pace.

A MUFFLED CRY

Kohl should listen to Juppé and answer his plea

Alain Juppé set out for Bonn yesterday with the firm intention of underlining France's commitment to the 1999 target date for monetary union within the terms laid down by the Maastricht treaty. He made a brave fist, for an increasingly dubious German public, of talking up France's prospects of meeting the Maastricht criteria come trade union hell or unemployment high water. But far more important was a handful of words he let slip after meeting Helmut Kohl.

Despite desperate attempts after the event by his officials to put a different gloss on his words, there is no doubt that the French Prime Minister dropped, almost by chance, the first official French hint that, even if France were ready for its 1999 date with destiny, events outside France might compel a postponement of EMU.

M Juppé's personal determination to stick to the schedule is not in doubt. That is partly because of mounting anxiety in Paris that 1999 represents an opportunity, that might not recur, for France to escape the *de facto* mark zone in Europe. When the French Prime Minister told *Die Welt* yesterday of his fear that, if EMU were postponed just for a year, there would be further postponements and "then it will be 2010 and nothing will have been done", he reflected a constant anxiety in the French Establishment.

But if there is anything on which this same Establishment has always been unanimous, it is that EMU will work in France's interest only if a sufficient number of countries joins at the start to counterbalance the otherwise overwhelming power of the German monetary authorities in the future European Central Bank.

The telling moment in Bonn came, therefore, when M Juppé was asked about repeated market rumours of an overnight merger of the German and French currencies in a political "dawn raid" to force the EMU project through. In dismissing this out of hand — "it cannot be the case that France goes it alone with Germany" — he also drew attention to the Maastricht requirement that "a sufficient number of countries must be

ready and willing to take part in the union by 1999". If that were not the case, he said, "There should be agreement on another date."

Outside the charmed circle of Franco-German summits, this is no more than a statement of obvious, recorded fact. It is just what Maastricht says. But inside the circle, it is heresy to hint that the treaty's contingency clause might have to be activated. Herr Kohl, who will not hear of it, has repressed those of his henchmen prepared to take a sceptical peek at the improbable EMU arithmetic. Bonn and Paris have stemmed the rising tide of doubt in Spain, Italy and other countries by repeating, mantra-like, that what matters is the leadership of the Franco-German couple.

Despite his battering by the unions and prospects of more to come, M Juppé continues to elevate hope over experience. France will be there on the day, he assured reporters yesterday — and "other countries will join us". Even Britain, he claimed, would "try to jump on the train" once convinced that EMU was for real.

The stubborn fact remains: an EMU of France, Germany and The Netherlands would be too small for France's comfort; and no serious economist now imagines that Belgium, Italy or Spain will begin to qualify by the end of 1997, the year on which their deficits, public debt and inflation performance are to be assessed. The whispering cannot be silenced in Paris as easily as Herr Kohl studies it in Bonn.

M Juppé feels the pressure of knives in his back. But France has pinned so much on EMU — and sacrificed so much in growth and jobs to the Sisyphean task of meeting the Maastricht timetable — that, for a French Prime Minister to alter course on EMU with safety, he needs to be able to cite external factors beyond France's control. A muffled cry for help has been heard, from a Frenchman, and in Bonn. If Herr Kohl values the Franco-German axis as much as he professes to do, his ears should pick up the message.

THERE TO BE FOUND

A chance to share in Count Alexander's good fortune

To unearth a hoard of coins or bring up from the black earth gold and jewellery entrusted generations ago to the darkness is a thrill that all can share. Rarely, however, do those who consign their wealth to the ground before fleeing, invading armies have the chance to reclaim their heritage. They may dream of returning when the Roman legions have put down the Iceni, King Henry's agents finished combing the monasteries or the Royal Navy called off its pursuit of pirate plunderers. But few ever return from flight or exile. The secrets of their hidden treasure die with them.

The story of Count Alexander zu Lynar-Redern is one that will send a frisson through all those who attend the Sotheby's sale of his silver, Odior service and his 19th-century Meissen porcelain. For not only are these precious pieces rare examples of the heirlooms once found in the great Prussian families; but they have only just been excavated from a forest in former East Germany where, for more than 40 years, Communist spy chiefs hunted over the ground where the treasure was buried. And it was Count Alexander himself who dug up his family's treasures that, 50 years earlier, he and his retainers had hastily consigned to the sandy soil as the guns echoed all around and the Russians closed in.

The wonderment he experienced on seeing his silver again must have equalled that more famously felt by Howard Carter when he entered King Tutankhamun's tomb or, more recently, by Manolis Andronikos who found the bones of Philip of Macedonia and all his funeral gold under a mound in Vergina. These men, however, brought to light things never meant to be seen again in the upper world. The terracotta horsemen, who guarded the Chinese Emperor at Xian or the Viking boat at Sutton Hoo were interred to honour the departed chiefs; their discovery was a violation of a grave.

Treasure temporarily hidden is there to be found, however. The search is still on for looted Nazi gold and the famed Tsar's Amber Room. Often it is a farmer who stumbles on an artefact in his field. Under the law of treasure trove — which nationalised the wealth of the fleeing Romans, Catholic priests and Cavaliers — the Government has first claim. This has not inhibited enthusiasts with metal detectors, however. Nor has it stopped the burying of wealth by misers, criminals or publicists. Indeed, one of the most successful treasure hunts of recent times was organised by an author who buried a golden hare and sold thousands of books to those searching in its riddles for clues to the hare's location.

Snags in House of Lords reform

From the Director of the Conservative Political Centre

Sir, Your leading article (February 8; see also letters, February 9) quite rightly states that the central requirement in constitutional debate is to distinguish clearly between evolutionary and radical change. However, it is surely not as obvious as you seek to imply that the incorporation of the European Convention on Human Rights into British law, and the curbing of the rights of hereditary peers, could form part of an evolutionary approach.

The former would mean that authority now vested in Parliament would pass to the courts; the latter would remove from the Upper House the principal component which it has had since its start in the Middle Ages.

Since the Labour Party refuses to spell out its plans for an elected second chamber, there is an acute danger that the outcome would be a purely nominated Upper House, creating in effect the largest quango in the land (indeed it is hard to suppress the suspicion that that is Labour's real aim).

Yours faithfully,
ALISTAIR B. COOKE,
Director,
Conservative Political Centre,
32 Smith Square, Westminster, SW1.

From Earl Russell

Sir, Liberal Democrats are not about to go into a last-ditch defence of the hereditary peerage. Nevertheless, before we can be persuaded that Tony Blair's one-clause Bill is the right way to tackle the question, many of us want reassurance about two substantial misgivings.

First, we need to be reassured that Labour understands that the overarching purpose of constitutional reform is to reduce the power of the Executive. The debate on the Scott report has shown how terrifyingly urgent this task is.

When we find Labour beginning the task of constitutional reform by a measure which will strengthen the power of the Labour Prime Minister then, like people going to Birmingham by way of Beachy Head, we feel the need to ask whether we are going in the right direction.

Secondly, the hereditary peers in a small, illogical and anomalous way do check the power of the Executive. We would therefore want to find some way of filling the gap which their abolition would create. This is why it would be very difficult to tackle the composition of the Lords without looking at its powers.

Yours faithfully,
RUSSELL,
House of Lords,
February 9.

From Lord Stanley of Alderley

Sir, Although I am not against reform of the hereditary element of the Upper House, the appointment by patronage that Mr Blair favours would destroy its independence.

Over the past 20 years I have, on numerous occasions, had to ask their lordships if a particular amendment, always rural-based, was correct. I have never tried to persuade a peer appointed by party patronage to vote against his party; it would be incorrect and impolite to do so.

However, I have no qualms about asking an hereditary peer to break ranks — most owe no allegiance but to their conscience.

Yours faithfully,
STANLEY OF ALDERLEY,
Trysnygwyn Fawr,
Rhosybol, Amlwch, Anglesey,
February 10.

From Mr C. R. Holman

Sir, Peers are disbarred from sitting as members of the House of Commons. In this situation the House of Lords provides the hereditary and the appointed peers with their only voice in the government of this country. To deny any citizen of the United Kingdom the right to participate in the processes of government of this country due to an accident of birth is probably even more undemocratic than the present arrangement.

Any legislation for the reform of the House of Lords must grant those who are then barred from the Upper House the right to stand for election in the Lower House of Parliament, without first having to renounce their peerage.

Yours etc.

C. R. HOLMAN,
141a Bilton Road,
Rugby, Warwickshire.

On the qui vive

From Mrs Marianne Fry

Sir, You reported on February 5 that a portrait of Elizabeth I is believed by a psychiatrist to reveal a childhood of abuse.

It would surely be remarkable if the gaze of a girl whose father had been headed both her mother and her stepmother did not show "frozen watchfulness" and "wariness".

Yours faithfully,
MARIANNE FRY,
Hollies House,
Botton, Norwich, Norfolk.

Letters for publication should carry contact telephone numbers. We regret that we cannot accept letters by telephone but they may be sent by fax to 0171-782 5046.

LETTERS TO THE EDITOR

1 Penzington Street, London E1 9XN Telephone 0171-782 5000

Educational excellence as priority

From Mr Michael Hart

Sir, For once it is difficult to agree with Simon Jenkins ("Half a league backward", February 7). Of course league tables are highly questionable, but Ofsted evidence on low standards, unsatisfactory lessons and poor teachers (report and leading article, February 6), far from being useless, has vitally contributed to putting education finally near the top of the political agenda.

For years both main political parties, though for very different reasons, have concealed from the public the plain fact that many of our three to 18-year-olds are worse educated than children of comparable age in most European and several overseas countries. Our provision for nursery and vocational education is quite inadequate. The former requires money; the latter a greater contribution from industry.

We have some of the best schools in the world but a larger number of poor ones than most of our competitors. This has nothing to do with single-sex education and is only marginally linked to the question of money.

The real reasons are twofold: educational apartheid, by which 8 per cent of our most influential and ambitious parents turn their backs on state education, and the large number of teachers and teacher-trainers who, though overwhelmingly hardworking and dedicated, continue to place social above academic education and, as a result, perpetuate often unconscious, a long tradition of low expectations.

Let us hope that the next Government will have a consistent policy to tackle these issues.

Yours faithfully,
MICHAEL HART
(HM Inspector of Schools, 1974-76),
49 Chesterfield Road,
Eastbourne, East Sussex.

From the General Secretary of NASUWT

Sir, I share Simon Jenkins's assessment that inspection and league tables constitute management by public humiliation and that this may be the result of mismanagement over many years. However, even if headteachers and governors had been more assiduous in rooting out incompetence, they might not have been able to replace dismissed teachers with anyone better.

The National Association of Schoolmasters/Union of Women Teachers has called for more than 20 years for a

better training system, a more rigorous induction or probationary period, an all-graduate profession, and a requirement for all teachers to have passed the (then) O level in mathematics and English, which was ordered by the Government a few years ago.

There is little point in national league tables, particularly for something like 21,000 primary schools, the sheer magnitude of which is mind-boggling in its bureaucracy, not to mention its considerable cost.

Yours faithfully,
NIGEL de GRUCHY,
General Secretary,
NASUWT,
5 King Street, Covent Garden, WC2,
February 8.

From the Headmaster of Crofton Junior School

Sir, I feel uncomfortable with Simon Jenkins's comments about Crofton School's standard for two reasons: firstly, because there are many who do not only dare to say that part of our success is the environment from which we draw children but say so loudly, I am one of the first to do so.

However, that is only part of the background to our success. Chris Woodhead, Chief Inspector of Schools, in his letter to me made clear that we are "excellent" when judged against "schools in similar circumstances". Our teachers might feel today that not only are the media constantly highlighting failures in the system but are now knocking them when they achieve excellence.

Please don't seek to find reasons for our excellence: it is because teachers teach well.

Yours faithfully,
MICHAEL THOMAS,
Headmaster,
Crofton Junior School,
Towncourt Lane,
Orpington, Kent.

From Mr A. F. West

Sir, In the debate that has rightly followed from the report by Chris Woodhead it should be remembered that some schools, my own included, have yet to be inspected by Ofsted.

Yours faithfully,
A. F. WEST
(Chairman of Governors),
Langley Grammar School,
Reddington Drive,
Langley, Berkshire,
February 7.

Arms trade

From the Bishop of Coventry and others

Sir, Four million innocent civilians have been killed in conflicts throughout the world since 1990. This slaughter is fuelled by the sale and export of weapons. As one of the world's leading suppliers, the UK must accept its responsibility for a deadly trade which ruins local economies, obstructs development, increases regional instability and is responsible for massive abuses of human rights.

Tomorrow, two days before the publication of Sir Richard Scott's report into the arms-to-Iraq affair, eminent politicians, scientists, military officers, church leaders, trade unionists and peace activists will join forces with over 1,000 non-governmental organisations all over the world to urge the introduction of binding international codes of conduct on the arms

trade. The codes seek to introduce a more responsible, principled approach to the sale of weapons and prevent exports to countries with poor human rights records, regions of tension, dictatorial regimes and military aggressors.

We call on the UK Government to take the opportunity of the forthcoming intergovernmental conference to press for the introduction into the Maastricht treaty of a European code of conduct on the arms trade.

We must learn from the Matrix-Churchill affair and never again allow short-term commercial gain to override international peace and security.

Yours faithfully,
†SIMON COVENTRY,
†DAVID LIVERPOOL,
†RICHARD OXON,
Safer World,
33-34 Alfred Place, WC1,
February 12.

Alternative medicine

From Dr J. K. Mathews

Sir, While agreeing with most of Jeremy Laurence's article on alternative medicine, "An honest alternative, or just magic?" (February 5; see also letters, February 8), I have to take issue with his final sentence that "illness is what doctors have forgotten about".

The problem is not that doctors have forgotten about illness but that patients have forgotten what "illness" means.

Too much of most general practitioners' time is now spent dealing with relatively minor conditions which do not require medical intervention. Reassurance may be all that is necessary, but this does not have to be given by a health professional with the level of skill and training of a general practitioner.

Only when patients, and alas some of the medical profession, recognise the valuable role that other less highly trained health professionals can play in basic health advice and reassurance will doctors again have the time to deal with what would medically be regarded as illness.

Doctors have not forgotten about ill-

ness; they unfortunately are not being given sufficient time to practise medicine.

Yours faithfully,
J. KENNETH MATHEWS,
Helleston Medical Practice,
343 Reepham Road,
Helleston, Norwich, Norfolk.

From Mr Eric Ratcliffe

Sir, Your leading article of February 5, mentioning the Society of Medical and Dental Hypnosis, throws back my memory to what must have been a very early use of hypnosis in professional dentistry.

My father, a Twickenham dentist, performed two extractions about 1929 on a hypnotised patient, who had none of the after-effects of gas anaesthesia and felt no pain.

I was in those days, as a small boy, sometimes employed as a restraining weight on the ankles of patients, who could move violently under gas. Under hypnosis, the patient remained completely calm.

Yours sincerely,
ERIC RATCLIFFE,
7 The Towers,
Stevenage, Hertfordshire.

A new royal yacht

From Mr Tom Benford

Sir, The idea of a square-rigged, sail-training royal yacht (article, February 3; letters, February 8, 12) is as misguided as the "Victorian" street furniture which now disfigures Surbiton's main shopping street.

A suitable seagoing vessel to carry the Sovereign into the 21st century would be a large and imposing — better still, awe-inspiring — nuclear-powered trimaran in polished stainless steel, a Concorde on the water.

Yours faithfully,
TOM BENFORD,
3c Cranes Drive, Surbiton, Surrey.

Choir practices

From Dr Harry Judge

Sir, You reported on February 8 that the person alleging discrimination against the Dean and Canons of St George's Windsor, for not employing her as a baritone is being represented by her husband, who, she said was "freelancing as a vicar". I can find no reference to freelance vicars in any of the standard works of canon law or ecclesiastical custom.

Might that status be somehow related to that of a loose canon.

Yours etc.
H. G. JUDGE,
2 Upland Park Road, Oxford.

Star writers, with or without ghosts

From Mr Robin Rhoderick-Jones

Sir, If Joan Collins, a writer who, according to her own lawyer ("How to hit a publisher for millions", Week-end, February 10) requires "face-to-face, line-by-line, page-by-page" editorial help, can persuade one of the world's most powerful publishers to part with \$1.2 million as an advance, it can only be — as Quentin Letts points out — on the basis of her celebrity status, not on her ability as an author.

Is it not time that this exploitation of a glib public was stopped? Novels and purported autobiographies which are largely the work of editors, ghostwriters or collaborators should be described as such prominently on the front cover and not passed off as being the work of models, television stars and sportsmen who have played little part in the finished product.

This increasing practice of wilful deception may be good for the coffers of publishing houses and the pockets of barely literate celebrities; but it does nothing either for the trading standards or the honesty of a profession which is rapidly descending to the depths once plucked by the wilder fringes of cowboy estate agents.

Yours sincerely,
ROBIN RHODERICK-JONES,
Middle St Andrew's Wood,
Dulford, Cullompton, Devon,
February 11.

From Dr Ed Black

Sir, Quentin Letts besmirches the shade of Thomas Hardy by linking him to the ghost-publishing world of Joan Collins. Hardy began his autobiography around 1920; later, towards his end, he and his second wife, Florence, went through it, changing "I" to "he".

After his death in 1928 Florence added some paragraphs covering the last few months and her insensitive funeral arrangements in Westminster Abbey. So it is a (unique?) autobiography in the third person, or self-ghosted biography: the real McCoy, very fine stuff.

Unlike the help which Jeffrey Archer's novel received over 16 drafts, Hardy was always hounded and hampered by inferior prurient editors and what they excised in magazine serial he replaced in book form.

We are grateful to Ms Collins and her editor Ms Evans for revealing the real world of publishing, previously suspected, behind unreal novels.

Yours truly,
ED BLACK,
London School of Economics
and Political Science,
Language Studies Centre,
Houghton Street, WC2,
February 12.

Hit or miss?

From Mr Guy Thomas

Sir, Popular music had a bad time of it in *The Times* today (February 6). It was P. G. Wodehouse with his lyrics who joined Jerome Kern to write *Bill* (sung at the memorial service for the theatrical agent Billy Marsh), one song in *Showboat* which didn't have words by Oscar Hammerstein II.

On another page Quentin Letts, surveying a new generation of America's pistol-packing mommas, risks facing a firing squad formed by admirers of Ethel Merman, Betty Hutton and Dolores Gray among others who, as Annie Oakley in *Annie Get Your Gun*, all sang at one time or another *You Can't Get a Man with a Gun*, but not alas Doris Day as *Calamity Jane*.

Yours etc.
GUY THOMAS,
295 Lonsdale Road, Barnes, SW13.

Here today . . .

From Mr J. A. W. Jennings

Sir, The reason why the snow had almost gone within three days although the ambient temperature during the period never rose above the freezing point of water (letter, February 2) was because the radiant heat from the sun imparted far more energy to the snow than to the surrounding air.

Sublimation of snow could not take place out of doors, as Dr William Alcock says (letter, February 6), because the atmospheric pressure would always be too high. Sublimation depends on the boiling point of the solid substance being lower than its melting point at the pressure of the atmosphere.

Yours faithfully,
J. A. JENNINGS,
Babington House, Frome, Somerset,
February 7.

Shooter snookered

From Mr E. K. Taylor

Sir, In September 1939 I was introduced to my newly-acquired Lee Enfield rifle and told to cherish, love and care for it as I would my wife, my mother or my favourite sister.

I came to know it so intimately — its sleek, smooth lines, the velvety touch of its stock and the lovely curves of its butt — that I could pick it out in the darkest of nights. Unfortunately, unlike Steve Davis and Stephen Hendry (leading article "A cue missed", February 9) I never mastered the art of shooting straight with it.

Yours faithfully,
E. K. TAYLOR,
1 Irvine Close, Hereford,
February 9.

OBITUARIES

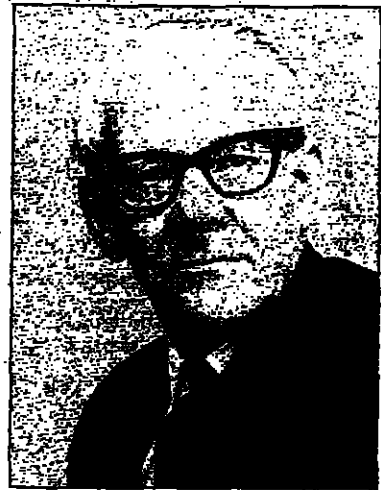
GERALD SAVORY

Gerald Savory, playwright and former Head of Plays at BBC Television, died on February 9 aged 86. He was born on November 17, 1909.

GERALD SAVORY was the young playwright who enchanted West End audiences during the late 1930s with a light suburban comedy entitled *George and Margaret*. The play ran for two years at Wyndham's Theatre and clocked up an impressive 709 performances. It was a phenomenal triumph for the youthful Savory, and a sophisticated piece of writing which sparked enthusiastic comparisons with Terence Rattigan and Noel Coward. His humour, as *The Times* critic noted in 1937, arose not so much from original situation, or even particularly from wit, as from "a kind of unflinching aptness and even exaggeration of the commonplace".

The H. M. Tennent impresario Hugh ("Binkie") Beaumont, whose organisation had profited enormously from the play's success, asked Noel Coward to take it to Broadway. But Coward mistakenly had parts of it rewritten for which he always blamed himself — and the play suffered the added misfortune of appearing in the same Broadway season as Rattigan's *French Without Tears*. It ran for barely two months in New York and never recaptured the success of its long London run.

That hardly mattered to Savory, whose name was made in Britain, and who became known ever afterwards — irritatingly for him, perhaps, considering his subsequent elevation to be head



of BBC plays — as the man who had written *George and Margaret*.

Gerald Douglas Savory was the son of two actors, both of whom were reluctant to see their son join them in such a precarious profession. He was educated at Bradfield College and then, having failed in his first jobs as a stockbroker's clerk and a private tutor, joined his parents on the boards. He made his professional debut at the Playhouse in Whitley Bay in 1931 as Mr Smith in *It Pains to Advertise*. The 1930s were spent learning his craft in repertory companies in Hull, Brighton and Bournemouth, and in touring Canada and Australia with his mother. *George and Margaret* was his first play and was written while he was on

tour. It concerned the frustrations of a liberal Hampstead family, slowly simmering to boiling point, as they wait for the George and Margaret of the title to arrive (they never do). It was demonstrably an actor's piece of writing, full of excellent lines and with genuine opportunities for light comic performances. It was tried out by the Repertory Players, and was then spotted by Binkie Beaumont who brought it, in a new production, to Wyndham's and made it his first big commercial success. A film version followed in 1940, by which time Savory had been lured to the Hollywood studios by Alfred Hitchcock, and he became an American citizen.

He was soon bored, however, rewriting other people's scripts and a crisis point was reached when he was sent the script for *Ninotchka*. He was no fan of either the writing or the leading actress — Greta Garbo — and he marched into his boss's office to make clear that he could not bear "that Swedish woman". His head of department politely suggested that Savory should leave, and by the time he had retraced his steps to his own office, Savory found his name had been struck off the door. A then little-known writer called Billy Wilder took over the project in his place.

Savory meanwhile directed summer stock, and gave Grace Kelly one of her first jobs. She was grateful and introduced him to her father, Jack Kelly, who owned television stations in Chicago. By this means Savory entered the highly unpredictable world of live television, overseeing the transmission of plays five nights a week.

He continued to write plays, at the rate of almost one a year in the early days. The second, *Good and Proper* (1939), was about an unhappily married couple, and contained an excellent part for Savory's mother. It was the success of *A Likely Tale* (1950) at the Globe, however, starring Robert Morley and Margaret Rutherford, which prompted his return to London.

Savory's experience in American television led to an appointment first at Granada TV in 1964 as executive producer, then at the BBC as head of plays, 1965-72. This was a period when the production of new drama was a high priority in the corporation — ABC and Granada had set the pace — and Savory's department had a lot of catching-up to do. Projects during his tenure included *The Six Wives of Henry VIII*, *Elizabeth R* and *Cathy Come Home*. In 1975 there was the monumental *Churchill's People*, based on Winston Churchill's *History of the English-Speaking Peoples*.

After leaving the plays department, and with no official post, Savory worked on whatever interested him. There was an adaptation of Bram Stoker's *Dracula* for BBC2 in 1976; work for Thames in the late 1970s on Nancy Mitford's *Love in a Cold Climate*; and an adaptation of E. F. Benson's *Mapp and Lucia*, for London Weekend Television.

Savory was married four times. His first marriage ended in divorce, and his second and third wives preceded him. He is survived by his fourth wife, the actress Sheila Brennan, whom he married in 1970, and by a stepson from that marriage.

MERCER ELLINGTON

Mercer Ellington, jazz trumpeter, composer and bandleader, died in Copenhagen on February 8 aged 76. He was born in Washington DC on March 11, 1919.



DESPITE considerable achievements as a musician in his own right, Mercer Ellington's career was inextricably bound up with that of his father, Duke. Mercer played the trumpet in his father's band from 1935 until 1974, and was his copyist and road manager for longer than that. He also conducted whenever his father was indisposed or absent. Some of the band's best-known hits (including *Things Ain't What They Used To Be* from 1941) were written by Mercer, yet for the most part he assumed a background role, seldom publicly acknowledged by his father.

The relationship between father and son was complex, at its worst becoming what Mercer described as a "cold war", but at its best leading to their collaboration on the ballad *Three Black Kings* during Duke's final illness and stay in hospital. It was never easy for Mercer to establish his independence as a musician, even after his father's death in 1974, when Mercer took over the Ellington Orchestra. In his autobiography *Duke Ellington* wrote: "My son... is dedicated to maintaining the lustre of his father's image."

Mercer Kennedy Ellington was born before his father became famous. When his mother, Edna, separated from his father in the late 1920s he moved to New York with his grandparents, who made a home for the increasingly successful Duke in Edgecombe Avenue, Harlem. Mercer grew up with his father's younger sister Ruth, and he learnt the rudiments of composition listening half-awake to his father playing the piano in the small hours of the morning.

Mercer showed a talent for composition, helped by his father: "He'd leave me problems to solve by the time he got

back... he never put a note down, but he scratched out what was in poor taste." Mercer then entered the Academy of Musical Art to study composition, saxophone and trumpet.

Duke's band recorded Mercer's compositions from the late 1930s, but when Mercer formed his own band in 1939, despite his father's advice to capitalise on his name and play Duke's music, Mercer steadfastly refused. After a short spell in the Services with Sy Oliver's US Army Band, Mercer led his own group for much of the 1940s, issuing his first discs in 1946. The pianist on those records was the English critic Leonard Feather, who formed a record company with Mercer in the early 1950s.

Mercer became a successful arranger, producer and manager, and he went on to produce record sessions for the rest of his life, including one with Cleo Laine only last year. He joined Countie Williams's band in the 1950s as trumpeter and road manager.

before repeating the job with Duke.

Mercer's first years leading his late father's band were successful, and he performed many of the longer compositions Duke had only played a few times in public. As the older members left or died, the band drifted further from Duke's legacy. Mercer directed his father's music in the Broadway show *Sophisticated Ladies* in the early 1980s, but at the end of the decade he settled in Copenhagen, only sporadically returning to New York for occasional band-leading.

He made some excellent recordings with his late father's band, including his own extended suite *Music Is My Mistress*. He supervised the acquisition by the Smithsonian Institution of the Ellington archive of scores, and similarly passed the recorded legacy to Danish Radio.

He is survived by two daughters and two sons, including the guitarist Edward Ellington II.

THE HON HONOR EARL

The Hon Honor Earl, portrait painter, died on February 2 aged 94. She was born on March 24, 1901.

ENLIVENING patrician elegance with a vigorous dash of bohemian eccentricity, Honor Earl breezed through the upper echelons of society gathering subjects for her painter's brush. Her pastel portraits caught the expressions of the most eminent people of her day, including four generations of the Royal Family and some of the most dazzling stars of stage and screen.

But though herself ravishingly beautiful, Honor Earl found merely pretty features "boring" to paint. She preferred faces of character and often chose as her subjects her cleaning lady, down-and-outs on the London streets, and prostitutes and criminals whom she came to know during her many years of service as a prison visitor.

But it was in the portraiture of children — an area from which most artists shy — that Honor Earl specialised. Again she chose her sitters from across the widest spectrum of society, her subjects ranging from Peter Phillips, the Queen's first grandchild, to Christopher, a severely crippled Barnardo orphan. She



had a great empathy with children and knew how to keep them alert while they sat. Often she would sketch with one hand while playing with glove puppets in the other or making tunes with a comb and piece of paper.

Perhaps her understanding of children was born of the lovelessness which she herself had felt as a child. Her father Viscount Maugham, a lawyer,

later to become Lord Chancellor under Neville Chamberlain, was a chilly, distant figure uninterested in his offspring and fiercely devoted to his work. He was the elder brother of Somerset Maugham, although the two remained always bitterly antagonistic. "It's very sad my father is convinced that you dislike him," Honor's elder sister once ventured to her

uncle, hoping perhaps to elicit a denial. But the aged Somerset Maugham stuttered in reply: "He is p-perfectly correct. I think he is the most detestable old gentleman."

Somerset Maugham did not take to Honor either, perhaps offended by her childish tactlessness — she once broached in his presence the forbidden subject of his liaison with another man. Honor described herself as her uncle's "least favourite niece". But though this did not worry her unduly — she hated the dreary holidays spent with him at Cap Ferret — she was struck by the knowledge that she was also a disappointment to her mother, whom she adored. While Honor's brother and two sisters were all very bright, Honor had dyslexia, a condition that had not yet been recognised at that time. She was always to remember sobbing her heart out over *Reading Without Tears*, pronouncing the word god instead of dog, while her French governess berated her for her stupidity.

It was only when she discovered her talent for drawing that her life changed. "She's half-witted in most ways but she draws," everybody said. But, though she supported a wide range of charities, her principal concern was for underprivileged children. The proceeds of her exhibitions were donated to, among other causes, the National Council for the Unmarried Mother and Child, Save the Children, and the Actors' Orphanage. For this last she did portraits of more than 75 stage and film stars. She later followed it with an exhibition called *Children of the Stars* the proceeds of which went to the National Society for the Prevention of Cruelty to Children.

when drawing that she felt a complete self-confidence.

In 1937 Honor Earl became a prison visitor. "I have seen so many tragic people whose misery could have been avoided by the right treatment," she said. Forming close friendships with prisoners in Holloway and in girls' borstals she realised for the first time that "great good could coexist with great evil, and without the good being impaired."

Honor Earl was always to remain broad-minded in her outlook. Indeed her brother Robin — a quixotic figure who lived a life of reckless extravagance, and of a certain disrepute — dedicated his book about homosexuality *The Wrong People* to her, because he considered her the most liberal member of his family.

Throughout her life she combined her talent for painting — a skill which she compared to that of a performing seal ("I have learnt how to do certain tricks") — with charitable work. During the war she fought to draw attention to the waste of refugee talent to the war effort and raised funds for the All-Nations Voluntary Service League by selling her works. But, though she supported a wide range of charities, her principal concern was for underprivileged children. The proceeds of her exhibitions were donated to, among other causes, the National Council for the Unmarried Mother and Child, Save the Children, and the Actors' Orphanage. For this last she did portraits of more than 75 stage and film stars. She later followed it with an exhibition called *Children of the Stars* the proceeds of which went to the National Society for the Prevention of Cruelty to Children.

TREVOR RUSSELL-COBB

Trevor Russell-Cobb, public relations consultant and bibliophile, died on January 31 aged 77. He was born on February 3, 1918.



TREVOR RUSSELL-COBB's pioneering monograph *Paying the Piper: The Theory and Practice of Industrial Patronage*, was a work of propaganda, designed to persuade businessmen and industrialists to spend heavily on supporting artists and the arts. Published in 1968, it championed an unfamiliar cause which was largely achieved within a decade and is now conventional boardroom wisdom.

Irreverently and professionally argued, *Paying the Piper* took as its premise that "the arts are vitally important not so much in solving human problems as in helping us feel that we all face them together". This struck a chord among businessmen and politicians to whom the Beatles were still a new phenomenon, and the light-hearted aphorisms which introduced each section on the individual arts — Augustus John's "If you don't shut up I'll paint you as you are", for instance, or Quiller-Couch's "If you think a public meeting can compose a ballad, just call one and see" — helped to attract an unexpectedly wide audience. A long leading article in *The Times Literary Supplement*, prissily written and largely hostile, provided the author's mill with welcome grist.

For a man to whom a love of books meant far more than the pursuit of his chosen profession, such success was remarkable. Russell-Cobb's library of some 30,000 titles provided not only the fount of his exceptional knowledge of literature but also the foundations of his small house in Pimlico without their support, his friends feared, its very walls would collapse.

The son of a soldier and a singer — his mother taught at the Webber-Douglas School — Trevor Russell-Cobb was educated at Wellington College and trained as a pianist at the Royal College of Music ("I was Moisewitsch's worst pupil", he used to say). In 1939, after a brief spell in the City, he enlisted in the Welsh Guards, serving with the Eighth Army and rising to the rank of lieutenant-colonel. After the war he joined the British Council and, later, the technical assistance department of the United Nations.

In 1955 he found his professional métier as a director of the firm of Campbell-Johnson, at that time one of London's leading public relations consultants. His clients there included the Tobacco Research Council and Watney Mann,

whom he took with him when he set up his own public relations company some ten years later.

Russell-Cobb, always his own man, was also and par excellence a club man — not in the modern sense (he did not belong to the Garrick, for instance) but in the 18th-century mode. He subscribed to countless groups and learned societies: notably to the Royal Society of Arts, of which he was treasurer for five years, the Johnson Society, the William Morris Society, the Foundation for Ephemera Studies and the Omar Khayyam Club. For 25 years he was a director of the English Chamber Orchestra and he was a trustee of the Sir John Soane's Museum until his death.

More than all else, Russell-Cobb loved to talk — about words, ideas, music, literature, especially about Dr Johnson, whom he came to resemble. In conversation he usually chose to take the contrary, unexpected view, simply for the fun of it; he assumed in his companions a flatteringly wide knowledge, both general and esoteric, and if they failed to measure up with grace as well as wit, in the preface to *Paying the Piper* he quoted Man Ray: "I have made some of my listeners think, and it sometimes made them angry, but I have also made them angry, and it has made them think." In Trevor Russell-Cobb's case, for "angry" read happy.

Trevor Russell-Cobb is survived by a son and daughter of his first marriage to Suzanne, who also survives him, and by two sons of his second wife, Nan, who died in 1979.

FUNERAL ARRANGEMENTS

LORENZ - The funeral of Christopher Lorenz will take place on Friday 16th February at St Michael's Church, The Grove, Weybridge, London TW20 1JL at 11.30.

THANKSGIVING SERVICES

ANDERSON - A Service of Thanksgiving for the life of Peter Anderson will be held at St Nicholas Church, Richmond, West Sussex at 10.30 am on Saturday 2nd March.

OSHAUGHNUN - There will be a Service of Thanksgiving for the life of Frank Oshaughnun on Wednesday March 13th at 12 noon in St Peter's Church, Fleet Street, London EC4A 3DF.

STANLEY-CLARKE - A Service of Thanksgiving for the life of Olive Stanley-Clarke will be held at The Church of the Assumption, Wexford, Co. Dublin on Thursday, March 14th 1996 at 11.30 am.

IN MEMORIAM - PRIVATE

ROOPER - Margaret Ellen who died February 13th 1995. Most dearly loved Mum, remembered with love. No more. Your loving son, Peter.

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TICKETS

Shortfall in training for managers 'hitting small firms'

BY SALLY WATTS

"Never give up": the motto that led Alna Shah to her own travel agency at Alnerton, west London

early clients was the London Philharmonic Orchestra, which responded to a mailshot. It has stayed with her ever since. Others include Elaine Paige, Phillip Schofield and pop groups. In 1994 she took on three staff. Four months ago the company expanded to offer travel services to the public and moved into premises in Alpertown, west London. Last May she organised a seminar to help women to set up in business. It was attended by 110 women, two of whom have followed her lead.

Alvic Travel is on 0181 900 9680

Training averages 2.3½ days a year. About 20 per cent have more than seven days; a quarter of firms with fewer than 200 have none. Advice on training is mainly from the training providers themselves and from training and enterprise councils, but smaller firms seek advice from professional institutions, personal contacts, accountants or banks rather than Tecs, "which still have to establish their credentials".

Programmes should group participants according to their business's stage of development, combine personal and business development, respect managers' knowledge of their firm and emphasise mutual help and networking. Programmes are best held after the working day, with a light buffet provided, for three hours, once a week for ten weeks.

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Murphy

"It's from my bank manager"

First she bought a limited company "off the shelf". Then with a borrowed desk and chair, a typewriter and an arrangement to use someone else's fax, she started trading as Alvic Hotel Reservation Services. She did not want to be just any travel agent and decided to specialise in the music industry. She tried to persuade a family friend, who was a mad manager in

☐ Exporters aiming for editorial coverage in foreign newspapers can obtain help from the Central Office of Information. A new

service includes writing by a professional journalist, translation, processing of photographs and distribution to the foreign press through UK diplomatic posts. The cost is £80 for the first country and £40 for each additional one. Contact: Simon Holder on 0171-261 8422.

☐ A helpline for small businesses has been launched in Wales by

Kingston Smith, Devonshire House, 146 Bishopsgate, London EC2M 4JX, or from the IoD board appointments on 0171-451 3259.

RODNEY HOBSON

British Telecom and the Welsh Office, with financial help from the European Regional Development Fund. The service has the support of Tecs, enterprise agencies and local authorities. Firms wanting advice on topics including premises, finance, export opportunities and recruiting staff can contact an adviser familiar with the caller's local area. More than 48,000 new businesses have been set up in Wales during the past 12 years and one in seven of the workforce now runs his/her own business. The Business Connect

number, which is charged at local rate is 0345 969 708

□ A one-day conference on Labour and small and medium enterprises will be addressed by Tony Blair, the Labour leader, Margaret Beckett, the DTI Shadow Minister, and Barbara Roche, the Opposition spokeswoman on small firms, at the Gibson Hall, London, on March 20. Other speakers include

Tim Melville-Ross from the Institute of Directors and Ian Peters of NatWest Bank. Details from Neil Stewart Associates, 11 Dartmouth Street, London SW1H 9BL.

☐ The national franchise exhibition will be held at the NEC, Birmingham from October 4 to 6. The show has been moved to a larger hall after heavy advance bookings at the end of last year's

exhibition, which attracted 140 companies.

□ The business angels service piloted by National Westminster Bank in the North West and the Thames Valley has been extended to the whole country. The bank estimates that private investors wishing to back small firms have funds totalling £2.4 billion.

☐ **Tendering for Government Contracts**, the DTI guide, advises small businesses on selling to the public sector, with guidelines on

public purchasing that include £40 billion spent each year by central government and £20 million by the NHS. Nearly 50 departments and agencies are listed, with their main purchasing areas. Copies by quoting URN95/896 from DTI Small Firms Publications, Admail 528, London SW1W 8YT.

□ Hingston Publishing has produced a book, *The Greatest Guide to Home-Based Business*, the third in a series of guides for small businesses. Copies cost £7.95 from W H Smith.

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Deposit of deeds does not create charge

Verdict on conspiracy count safe

United Bank of Kuwait plc v Sahib and Others
Before Lord Justice Leggatt, Lord Justice Phillips
[Judgment February 7]

Section 2 of the Law of Property (Miscellaneous Provisions) Act 1989, which provided that a disposition of an interest in land had to be in writing in a document signed by both parties incorporating all the terms of the agreement, abolished the long established rule that a mere deposit of title deeds relating to a property by way of security created a valid equitable mortgage or charge of the property without more.

The Court of Appeal held in a reserved judgment dismissing the appeal of the third defendant, Société Générale Alsacienne de Banque SA ("SoGenAl"), from part of the judgment of Mr Justice Chadwick (The Times July 7, 1994) [1995] 2 WLR 949 in the Chancery Division when he granted a declaration that, as between SoGenAl and the plaintiff bank, United Bank of Kuwait plc, SoGenAl did not hold any equitable mortgage or charge over the undivided share belonging to the first defendant, Hadi Hagi Sahib ("S"), in the proceeds of sale of the property known as 37c Fiddlers Avenue, Hampstead, London.

Mr Christopher Pymont for the third defendant, Mr James Munby, QC, for the plaintiff, the first and second defendants did not appear and were not represented.

LORD JUSTICE PETER GIBSON said that since Russell v Russell (1973) 1 Bro CC 269 a deposit of title deeds relating to a property by way of security had been taken to create an equitable mortgage of the property without any writing, notwithstanding section 4 of the Statute of Frauds 1677 and its successor, section 40 of the Law of Property Act 1925.

The plaintiff in September 1991 obtained judgment in the Queen's Bench Division against S in the sum of £229,815.17, being principal and interest due from him in respect of banking facilities granted to him by the plaintiff. In October 1992 the plaintiff obtained a charging order nisi made absolute in November 1992, in order to secure and enforce that judgment debt, together with costs and statutory interest from the date of judgment, against S's interest in the freehold property.

The present proceedings were brought to enforce the charging order, but neither S nor the second defendant, his wife, Joan, owner and person in possession of the property, had taken any substantial part. The real issue was therefore between the plaintiff and SoGenAl which claimed an equitable mortgage over S's interest. That claim was based on, inter alia, an advance of £130,000 made by SoGenAl to S in September 1990 which was treated as between them as a series of successively renewed time deposits by SoGenAl with S. At no time did the wife authorise S's lawyers to hold the land certificate to the order of SoGenAl. Consequently, SoGenAl did not have security over the interest.

They asked S's lawyers to act for them in order to regularise the security arrangements in respect of the property. No legal mortgage was executed by S and his wife, although by August 1992 correspondence contained a clear indication that S accepted SoGenAl's security. In respect of the time deposit current for the time being since he held the legal certificate for the property to SoGenAl's order.

The judge below assumed S would have been estopped from denying an agreement between SoGenAl and him that the prop-

erty should stand as security. He held that an agreement to charge what S could not charge, namely both the legal title and beneficial interest in the property, in the absence of some statutory prohibition, would be effective to create an equitable charge over S's undivided share, but that the effect of the 1989 Act was such statutory prohibition.

His Lordship said that section 2 was enacted to give effect to that part of the Law Commission's report on *Transfer of Land* (Law Com No 164; June 29, 1987) which recommended repeal of section 40 of the 1925 Act and abolition of the doctrine of part performance, proposing new requirements for the making of a contract for the sale or other disposition of an interest in land.

Thus, by section 2, a contract for a mortgage or charge in land or in the proceeds of sale of land could only be made in writing and only if the written document incorporated all the terms which the parties had expressly agreed, and was signed by or on behalf of each party. It was not suggested that there was any such document in the present case. The judge had correctly concluded (at p110) that the courts had consistently treated the rule that a deposit of title deeds for the purpose of securing a debt operated, without more, as an equitable mortgage or charge as a contract-based rule, and the courts were concerned to establish, by presumption, inference or evidence, what the parties intended, and then to enforce their common intention as an agreement.

His Lordship emphasised the essential contractual nature of the rule as demonstrated in the authorities, more recently in *In re Wallis & Simmonds (Builders) Ltd* ([1974] 1 WLR 393) and *In re Alton Corporation* ([1985] BCLC 21).

The deposit by way of security was treated as prima facie evidence of a contract to mortgage, and as part performance of that contract equity regarded that as done which ought to be done.

Mr Pymont submitted, inter alia: 1 That nothing in the 1989 Act expressly or by necessary implication repealed the 1925 Act and later legislation recognising and extending the scope of a security by deposit of title deeds. He drew attention to modern commentators' conclusions that section 2 was not intended to repeal the rule: see *Snell's Equity* (20th edn (1990) pp444-445); *Cheshire and Burn's Modern Law of Real Property* (15th edn (1994) para 667) and "Informed dealings with land after section 2" Benly and Coughlan (1990) 10 Legal Studies 325-341.

His Lordship differed with reluctance from such distinguished lawyers but was not persuaded their views were correct. The citation and reference to section 2 of the 1989 Act to and to the light of the 1925 Act. The new formalities required by section 2 governed all dispositions of interests in land.

There was nothing in the Law Commission's report suggesting that security by deposit of title deeds was intended to be affected or even considered. His Lordship said that the inclusion of contracts to grant mortgages in the report's proposals was made plain in paragraph 4.3, and as security by deposit of title deeds took effect as an agreement to mortgage, in logic there was no reason why security by deposit of title deeds should be exempted from the proposals.

In any event, if the wording of section 2 was clear, as his Lordship believed it was, the absence from the report of a reference to security

by deposit of title deeds could not alter the section's effect.

3 That the rule that a deposit of title deeds created a mortgage was not dependent on any actual contract between the parties, although, if there was one, that contract would govern the parties' rights. It had to comply with section 2 but that did not affect the legal presumption of inferences which arose when there was a mere deposit.

His Lordship said that it was clear from the authorities that the deposit was treated as rebuttable evidence of a contract to mortgage. To allow inferences, such as evidence to establish whether or not a deposit was intended to create a mortgage security over the land and whether or not the original deposit was intended at the outset to be security for further advances, after the 1989 Act was quite inconsistent with section 2, requiring as it did that the contract be made by a single document containing all the terms of the agreement if it was to be valid.

It seemed clear that the deposit of title deeds took effect as a contract to mortgage and fell within section 2. His Lordship agreed with the judge below (at p111) that the Law Commission's recommendation that contracts relating to land should be incorporated in a signed document containing all the terms was clearly intended to promote certainty, and that the new legislation was likely to have the effect of avoiding disputes on oral evidence as to the obligation which the parties intended to secure.

Therefore, by reason of section 2, the deposit of title deeds by way of security could not give a mortgage or charge.

Lord Justice Phillips gave a concurring judgment and Lord Justice Leggatt agreed with both.

Solicitors: Radcliffe & Co Clyde & Co.

Regina v O'Adhmaille
Before Lord Taylor of Gorton, Lord Chief Justice, Mr Justice Latham and Mr Justice Hooper
[Reasons February 9]

Where a trial judge refused defence counsel's suggestion, made for the first time at the end of the defence closing speech, that an alternative count of unlawful possession of explosives should be added to the indictment charging conspiracy to cause explosions, the safety of the jury's verdict of guilty on the conspiracy count could not be doubted.

The Court of Appeal so stated in giving reserved reasons for having dismissed on February 1 the appeal of Feilim Padraic O'Adhmaille, a former lecturer in sociology at the University of Central Lancashire in Preston and an admitted member of the IRA, against conviction at the Central Criminal Court (Mr Justice Rafter and a jury) on a count of conspiracy to cause an explosion, contrary to section 3(1)(a) of the Explosive Substances Act 1883. He was sentenced to 25 years imprisonment. An appeal against sentence was dismissed.

Mr Geoffrey Robertson, QC, who did not appear below, and Mr Ben Emmerson for the appellant, Sir Derek Spencer, QC, Solicitor-General, Mr John Nunn, QC, and Mr Richard Horwell for the Crown.

THE LORD CHIEF JUSTICE, giving the reasons of the court, said that the appellant admittedly was knowingly in possession of explosives and ammunition, was a member of the IRA and was acting on their behalf.

He was arrested on February 21, 1994 while dismantling the rear seats of a car, which had been imported from Ireland on February 13. Concealed inside the car boot and seat cavities were 17

packages of Semtex, 17 detonators and other items including a gun and ammunition and under-car body traps.

In his wallet was a number of cigarette papers wrapped in cellophane, some bearing a code enabling phone calls and meetings to be arranged secretly and others bearing lists of possible military, political and strategic targets.

The prosecution case was that he was to have played a controlling role in a planned IRA bombing campaign to take place in England in early 1994. The defence case was that, despite the admissions, the evidence did not necessarily disclose a settled conspiracy to carry out explosions.

His Lordship considered in detail the arguments relating to the trial and summing up and stated that they failed.

Leave had been granted on February 1 at the hearing of submissions on an application for leave to add an additional ground of appeal concerning the absence of any count charging a lesser offence than the conspiracy count. In the course of his final speech, defence counsel told the jury that he was going to invite the prosecution with the judge's leave to add an alternative charge of unlawful possession of explosives, a charge of which the appellant would not invite the jury to acquit him.

The matter was thus raised for the first time with the prosecution and the judge after the defence speech. No count was added.

Mr Robertson contended that the refusal to add the charge might have led to injustice. Faced with admissions by the appellant that he was a member of the IRA and that he had the explosives with him at least with the possibility of some future use being made of them in the IRA's interest, the jury were likely to be hostile to him and reluctant to let him walk out. It was submitted that the jury might have convicted of the lesser charge

rather than the conspiracy charge if they had had that option.

Mr Robertson referred to *R v Fairbanks* ([1988] 1 WLR 1202), in which Lord Justice Mustill had said that a judge was obliged to leave the lesser alternative only if there was any evidence in the interests of justice, but that such interests would never be served in a situation where the lesser verdict simply did not arise in the way in which the case had been presented to the court.

In *Fairbanks* careless driving was an alternative verdict capable of being returned on the count before the jury of which the appellant had been convicted. In the instant case their Lordships were concerned with the suggestion that, at the instance of the defence or of the judge and at the expense of the case, a further count should have been added to the indictment.

In *R v Maxwell* ([1990] 1 WLR 401, 408) Lord Ackner had said: "What is required in any particular case is that the judge should leave an alternative offence to the jury is that the count, before interfering with the verdict must be satisfied that the jury may have convicted out of a reluctance to see the defendant clean away with what, on any view, was disgraceful conduct. If they are so satisfied, then the conviction cannot be safe or satisfactory."

The Lord Chief Justice said that, after considering the course which the trial judge had taken, the count which was before the jury and the count which was proposed should be added, their Lordships saw no reason to doubt the safety of the jury's verdict.

There might be reasons why the submission of counsel that there was nothing in the Act or rules which required that there should be a separate application in respect of each separate application.

A person who was a liquidator of more than one company could issue a single originating application for directions under section 112 of the 1986 Act, initiated in the matter of all the relevant companies together rather than having a separate one in each case.

There might be reasons why in particular circumstances a separate application in each case might be convenient but there was nothing in the present case why a single application would not suffice.

Solicitors: Addleshaw Sons & Latham, Manchester.

Assessment on future chance of employment too high

Ministry of Defence v Nathan
Before Mr Justice Keene, Mr J. A. Scoullier and Mr P. Dawson
[Judgment February 6]

An industrial tribunal ought not to have assessed as 100 per cent the chance of a servicewoman dismissed because she was pregnant returning to the full 22-year period of her service in a New South Wales assessment of chance related to a long period of time subsequent to the tribunal's decision.

The Employment Appeal Tribunal so held when allowing an appeal by the Ministry of Defence from a decision of a New South Wales industrial tribunal last March awarding the applicant, Jane Nathan, compensation for unlawful discrimination on the

ground of sex. The ministry had appealed on the ground that the award was excessive.

Mr Timothy Pitt-Payne for the ministry, Ms Judith Beale for the applicant.

MR JUSTICE KEENE said that Mr Pitt-Payne had accepted that a finding of 100 per cent chance was not necessarily perverse or an indication of an error of law or fact. But he argued that an assessment at 100 per cent when dealing with what would have happened over a long period of time required exceptional circumstances.

A distinction had to be drawn between cases where the long period of time had already passed and those where it related to a long period of time stretching into the future when seen from the date of

the tribunal's decision.

Where the period had passed by the time of the tribunal's assessment the tribunal was able to look back at what had in fact happened and take that into account. In the present case the tribunal's finding of 100 per cent chance of the applicant serving for 22 years from her enlistment in November 1992 involved making "a judgment about what might or might not happen between March 1995 and the year 2004."

Many unpredictable factors could affect the applicant's ability to serve throughout the remaining nine years of the 22 years of service including health, the possibility of further children, the uncertainty of childcare and the risk of redundancy resulting from the fact that

the size of the armed forces was decreasing.

Mr Pitt-Payne's argument was that no reasonable tribunal could be 100 per cent certain that the applicant would not have been affected by such possibilities between 1995 and 2004 and that the tribunal had either misdirected itself or the decision was perverse.

An assessment of a 100 per cent chance which related to a future period was not necessarily perverse. But the further into the future the tribunal was having to look the more difficult it became to regard a 100 per cent chance as a permissible option.

Apart from the length of the period the permissibility of a 100 per cent assessment depended on such factors as the strength of the

applicant's commitment to a service career, the ease with which she would have pursued such a career as well as being a mother, the value attached to her by the armed services, the risk of redundancy, her health and her age.

An industrial tribunal was not obliged to make a discount in the period because some period of time in the future was involved but the further into the future one looked the greater the opportunities for the vicissitudes of life.

The majority of the appeal tribunal considered that the industrial tribunal's decision was outside the range of permissible options. To say that there was no possibility of anything happening during those years between 1995 and 2004 which would lead to the cessation of the applicant's service was stretching credulity beyond an acceptable limit.

It was irrational of the tribunal to regard as 100 per cent certain the prospect of the applicant having continued in military service until 2004. The appeal would be allowed and the case remitted to the same tribunal.

Solicitors: Treasury Solicitor; Alison Stott, Durham.

Single application valid

In re William Pickles plc
Before Mr Justice Rafter
[Judgment February 6]

A single originating application under the Insolvency Act 1986 could be issued in respect of a number of separate companies in respect of the receivership of those companies. There was no need to issue a separate originating summons in respect of each separate company.

Mr Justice Rafter so ordered in the Chancery Division on an application made by William Pickles plc on a single document initiated in the name of all 14 companies, thereby reducing the cost by £1,560.

It was irrational of the tribunal to regard as 100 per cent certain the prospect of the applicant having continued in military service until 2004. The appeal would be allowed and the case remitted to the same tribunal.

Solicitors: Treasury Solicitor; Alison Stott, Durham.

directions relating to the marshalling of securities and certain inter-company indebtedness.

The only point was whether by reason of anything under that Act or the Insolvency Rules (SI 1986 No 1925) made thereunder it was permissible to issue a single application in respect of matters which were common to all the companies or whether it was necessary to issue 14 separate applications, involving extra costs of £1,560.

His Lordship had been referred to *In re a Company* ([1984] BCLC 307), where Mr Justice Mervyn Davies had declined to allow a similar application that a single petition should be allowed under section 75 of the Companies Act 1985 with regard to a number of companies which were not in any group although there were common shareholders.

His Lordship referred to rule 7.26(1) of the 1986 Rules: "Every proceeding under Parts I to VII of the Act shall, with any necessary

additions, be initiated 'In the matter of (naming the company to which the proceedings relate) and in the matter of the Insolvency Act 1986'."

But the reference to a single company included reference to the plural and he accepted the submission of counsel that there was nothing in the Act or rules which required that there should be a separate application in respect of each separate company.

A person who was a liquidator of more than one company could issue a single originating application for directions under section 112 of the 1986 Act, initiated in the matter of all the relevant companies together rather than having a separate one in each case.

There might be reasons why in particular circumstances a separate application in each case might be convenient but there was nothing in the present case why a single application would not suffice.

Solicitors: Addleshaw Sons & Latham, Manchester.

Scots Law Report February 13 1996 Outer House Solicitors' client's identity privilege lost

Conoco (UK) Ltd v The Commercial Law Practice
Before Lord Macfadyen
[Judgment January 31]

Where a firm of solicitors wrote to a company to advise them that an anonymous client of theirs would disclose the name of a third party who had fraudulently overcharged the company, in return for undertaking to pay him a proportion of any over-payment which they subsequently succeeded in recovering, the client's attempt to take advantage of the fraud of the third party deprived his solicitors of the right to withhold the client's identity as a matter of privilege and the firm would be ordered to identify their client, in order that the company might, if so advised, bring further proceedings to require that client to identify the third party.

Lord Macfadyen sitting in the Outer House of the Court of Session, so held, in a petition brought by Conoco (UK) Ltd against a firm, the Commercial Law Practice, pronouncing an interlocutor ordering the firm to disclose in writing to the petitioner such information as they had as to the identity, including name and address, of the person on whose behalf the firm had written a letter to the petitioner, dated October 25, 1995, and who had disclosed to the firm the information contained in that letter.

Section 1 of the Administration of Justice (Scotland) Act 1972 provides: "(1) Without prejudice to the existing powers of the Court of Session and of the sheriff court, those courts shall have power, subject to subsection (4) of this section, to order any person to disclose such information as he has as to the identity of any persons who appear to the court to be persons who (a) might be witnesses in any existing proceedings before that court or in civil proceedings which are likely to be brought; or (b) might be defendants in any civil proceedings which appear to the court to be likely to be brought."

"(4) Nothing in this section shall affect any rule of law or practice relating to the privilege of witness and advocates, (or) confidentiality or communications."

Mr Colin Campbell, QC, for the petitioner, Mr William Galbraith, QC, for the respondents.

LORD MACFADYEN said that on October 25, 1995, the respondent firm of law agents had written to the petitioner solicitor and client confidentiality which were, at least

in the law of Scotland, novel and difficult.

It was unsound to argue that because the privilege belonged to the client, the solicitor could not claim privilege for any matter in respect of which the client himself was privileged to answer. *R v Peterborough Justices, Ex parte Hicks* ([1977] 1 WLR 1371) was distinguishable. A client was entitled to insist his solicitor to keep confidential a fact communicated by him to the solicitor, even in circumstances in which the client, if asked, would be obliged to disclose it.

His Lordship was reluctant to adopt what he understood to be the English rule that the identity of the client was not confidential. It seemed quite possible to figure circumstances in which to demand of a solicitor an answer to the question "From whom did you obtain that information?" might have precisely the same sort of impact on the administration of justice as it would to demand of "What did your client tell you?"

It seemed artificial to distinguish the identity of the client from the subject-matter of the solicitor-client relationship. The information sought fell within the scope of the privilege, unless an exception applied.

The question therefore came to be whether the petitioner were correct in contending that the fraud exception applied. On the narrative set out in the letter, the third party had been involved in fraud in the broad sense, since he was said to have knowingly issued an invoice in an excessive amount and in due course to have accepted payment.

The question was whether that fraud so tainted the client's position as to deprive him and the respondents of the plea of confidentiality. It was clear that the exception was not confined to cases of fraud stricto sensu; as Lord Justice Schiemann had pointed out in *Barclays Bank Ltd v The Council of the Bank of Scotland*, fraud in that context had long been given a broad meaning.

On the other hand "integrity" although no doubt used as a convenient shorthand by Lord Justice Bingham in *Ventouris*, was in his Lordship's view too vague a concept to afford much guidance. As Lord Justice Goff had said in *Garnett Ltd v Murray*, it was something merely dishonourable was required.

The issue raised in the present case was one for which there was no direct precedent. His Lordship was wary of deciding the issue by way of an *ad hoc* exploration of public policy considerations.

Nevertheless it seemed that the public policy consideration which underlay the fraud exception might be capable of extension in which a client and his solicitor, not themselves guilty of fraud or involved in carrying out a fraudulent transaction, were involved in a transaction in which the client was to derive for the client benefit of his knowledge of a fraud committed by another party.

At one level, he was proposing a simply commercial transaction. However, it was difficult to ignore the fact that the opportunity would not have presented itself to the client were it not for the fraud committed by the payee. In this unusual situation, at the borderline between rule and exception, the balance of compelling public policy considerations favoured disclosure rather than confidentiality.

His Lordship was also satisfied that the reference in section 1(1A) to "defenders" was broad enough to include the respondent to a further section 1 petition, such as the client. His Lordship was of the view that such a petition was likely to be brought.

The terms of section 1(1A)(b) made it plain that the fact that disclosure of the identity of the defendant in the proposed proceedings could not be sufficient foundation for a submission that the proposed proceedings were not likely to be brought.

Mr Galbraith had finally submitted that as a matter of discretion his Lordship should decline to grant the prayer. He submitted that the petitioner had an alternative remedy. They were simply being invited to negotiate a contract. He suggested that that was not the type of situation for which section 1 was provided. He went so far as to suggest that the petition was an abuse of section 1: the petitioners were seeking to get valuable information for nothing.

Mr Campbell's response was that if the petitioners were entitled to invoke section 1(1A), there was no question of their seeking valuable information for nothing. They were simply pursuing a statutory remedy which, if well founded, demonstrated that the client was mistaken in thinking that the information he held could be turned to his commercial advantage. His Lordship agreed that if, as he had held, the petitioners were well founded in their reliance on the statute, they were entitled to the information without paying for it.

Law agents: Bennett & Robertson; Alex Morrison & Co. W.S.

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James kicks out Keegan to make room at the top

Nobody said you got to the top in football management by being afraid to make decisions. Kevin James, the man responsible for Kevin Keegan's career, clearly has the ruthless touch required.

After making much of the early running in Interactive Team Football (ITF), Kevin Keegan was headed for the lead by Gohls 65, one of 80 plus teams entered by the two Gohls brothers, from London. James realised he needed to regain the impetus from somewhere, and promptly axed both Kevin Keegan, the Newcastle United manager, and Keegan's striking mainstay, Les Ferdinand. The play worked.

Mr James reasoned: "Both players had been in my side throughout, but I reckoned that now was the time to make the change with Newcastle no longer in the FA Cup."

So Keegan and Ferdinand were sent packing, and replaced by Dave Merrington, of Southampton, and Robbie Fowler, of Liverpool.

"Southampton have some important games coming up which I think they might come through well. And, most importantly, they are still in the FA Cup. I am not saying that the competition will be won and lost in the Cup, but it is just one of the very important elements that go into succeeding at ITF."

Mr James has plenty of praise to offer for the way that ITF is scored and is a firm believer that it is a competition where skill plays at least as big a part as chance.

"I must watch what I say but in ITF I am sure that you can think, plan and study your way to an improved position. That said, luck still plays its part such as when Dichio, of QPR, scored that deflected goal against Liverpool the other day."

"Thousands of people will have Liverpool defenders in their side and that shot cost them the points for a clean sheet."

Mr James recently appeared on Sky TV with fellow ITF managers, Raj Gohil and



IN ASSOCIATION WITH



Steve Lyons. He was impressed, in particular, with Mr Gohil.

"Raj Gohil struck me as a shrewd customer and a man who won't go down without a fight. I think if it comes down to the wire in the competition, I might ask Raj if he wants to split the prize and have done with it. There is nothing for second in this game," Mr James said.

If your team could be doing better, with your players lacking form and fitness, you can move into the transfer market to improve your fortunes. ITF has a transfer system that allows you to change up to two players each week. Which player you want to offload and who you replace him with is up to you, although you must

replace the outgoing player with one from the same category (ie, a full back with a full back) and keep within your £35 million budget.

The ITF transfer system also allows you to adjust your team if one of your players is actually transferred out of the FA Carling Premiership. He would then no longer be eligible for ITF and would have to be replaced. Any overseas or Endsleigh Insurance League players who move into the Premiership during the season will become available for transfer before the following week.

You can make transfers only by telephone. Using a Touch-tone (DTMF) telephone (most push-button telephones with a * and a hash key are Touch-tone), call the 0891 333 331 line during the times given. Calls will be charged at 39 pence per minute cheap rate, 49 pence per minute at other times. If you are calling from Ireland, you must call 004 499 020 0631 and you will be charged at 58 pence per minute at all times.

When making a transfer, you must ensure that the team value still falls within your £35 million budget and does not contain more than two individuals (two players or one player and a manager) from the same club.

If you are lagging behind the leading team selectors, the transfer system will be an appealing option to you in the chase for the £50,000 prize or the monthly £500 prize.

With ITF, not only are you pitting your selectorial skills against other readers of The Times, you are also matching your wits against those in the know. With the support of the Professional Footballers' Association, Premiership players have entered sides of their own, and Alan Stubbs, of Bolton Wanderers, gives his selection on the opposite page. Like him, you may spend £7.5 million on Dennis Bergkamp — but will he do better than cheaper alternatives?

All matches in the Premiership and those in the FA Cup involving Premiership clubs count and your players and manager win and lose you points. With Kevin Keegan making a bid for the winning line, is it time for you to delve into the transfer market?

□ All transfer queries regarding Interactive Team Football should be directed to 0171-757 7016. All other inquiries can be made on 01522 488 122.



Sheringham, of Tottenham Hotspur, left, has made defenders like Aston Villa's McGrath wince on his way to 63 points as an ITF striker

HOW THE SCORING SYSTEM WORKS IN ITF

All FA Carling Premiership and FA Cup matches in the 1995-96 season count for points. Every goal and penalty counts

POINTS SCORED	
Goalkeeper	4pts
Scored clean sheet*	3pts
Scored goal	3pts
Full back/Central defender	3pts
Keeps clean sheet*	3pts
Scored goal	3pts
Midfield player	1pt
Keeps clean sheet*	2pts
Scored goal	2pts
Striker	3pts
Scored goal	3pts
All players	1pt
Appearance	1pt
Manager	3pts
Team wins	1pt
Team draws	1pt

POINTS DEDUCTED	
Goalkeeper	2pts
Conceded goal	1pt
Full back/Central defender	1pt
Conceded goal	1pt
All players	3pts
Sent off	1pt
Booked	1pt
Conceded penalty	1pt
Missed penalty	1pt
Scored own goal	1pt
Manager	1pt
Team loses	1pt

* must have played for 75 minutes in the match
† must have played for 45 minutes in the match



HOW TO REGISTER YOUR TEAM IN ITF

Call 0891 333 331

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THE WEEK'S TRANSFERS IN ITF			
Code	Player	IN Club	Value
50605	F Aspin	Newcastle	£5.5m
OUT			
There are no outgoing transfers in ITF this week			

THE LEADING 250 S.E.I.

Pos	Team	(Player's name)	Pts
1	Keweenaw Kickers	(Mr B Gohil)	482
2	Gohls 65	(M L Jones)	466
3	James Boys Six	(J Nicholl)	444
4	—	(J Nicholl)	444
5	Steven Lions 6	(S Brewer)	443
6	Steven Lions 2	(S Brewer)	441
7	Teddy Five	(M B Sire)	441
8	Kleppers Five	(E Kibby)	440
9	Dwayns Dribblers	(A Phicox)	437
10	Steven Lions 5	(S Brewer)	435
11	Fergie Fury	(P Simpson)	434
12	Sharon's Buds	(Mr D Connolly)	433
13	Steven Lions 1	(S Brewer)	429
14	Alphas	(G Shand)	431
15	Laytons Lions	(Mr R Layton)	431
16	Apoll 2	(S Lazaridis)	430
17	Steven Lions 7	(S Brewer)	429
18	Jessicas Darlings 4	(Mr A Naidson)	429
19	Smart And Stubbs	(N Booth)	429
20	Towney Cockles XI	(Mr P Johnson)	427
21	Nirvana FC	(Mr J Donovan)	427
22	Percy Progress	(M Persich)	427
23	Roadies Supers	(P Sutton)	427
24	Fair Fair Flappers	(C Woodward)	425
25	Phyco And Swatler	(K Booth)	425
26	Steven Lions 8	(S Brewer)	424
27	Shrew Voles	(H Brasher)	423
28	Nobby One	(A Brown)	422
29	Burnell United	(R Barnham)	422
30	My Cat Bailey	(Mr P Johnson)	422
31	Warren Wizards	(J Booth)	422
32	Saltburg United	(Mr P J Davies)	420
33	Chip N' Dale XI	(Mrs E L Arrowsmith)	420
34	The Good Bad & Ugly	(K Booth)	420
35	Estuary	(Mr P Giles)	419
36	Baf's Team	(B Ghuman)	417
37	Who Needs Mark	(N Persich)	417
38	Turners Earners	(P Turner)	416
39	James Boys Four	(L M Jones)	416
40	No Sam Today	(N Webb)	416
41	Nate Lions	(N Brewer)	415
42	Counting Eleven	(S Evans)	415
43	Rescue City 2	(J Sanderson)	415
44	The Lily Lads	(G Pedder)	415
45	Strangers	(Mr G Banks)	414
46	Monster Monster	(M Parish)	414
47	KP Fantasy Team 4	(K Patel)	414
48	Rempstone Rovers	(N A Woodroffe)	413
49	Cameron Athan	(Mr J R Reader)	413
50	The Young Guns	(S Shepherd)	412
51	No Fear Unit	(G Saunders)	412
52	Cerling XI	(P Parke)	412
53	Francis Caldwell FC	(F Caldwell)	412
54	Wotnohesner	(K Booth)	411
55	Patrick Thistle	(C Nicol)	411
56	Nobby Mat	(A Brown)	411
57	Twilight United	(P Dilworth)	410
58	Albionville Town	(Hedger)	410
59	Justine	(A Kent)	410
60	The Woe One Too	(A Nelson)	409
61	Goal Diggers	(C Stacey)	409
62	Langton Longshots	(J Ward)	409
63	Bertzy's Babes	(T Burns)	408
64	Bert Trautmann XI	(M Podesur)	408
65	The Doug Hutchies	(M Stacey)	407
66	Evans Men	(W Doyle)	407
67	—	(—)	406
68	Teoya All Stars	(A Boyland)	406
69	—	(Mr P McDowell)	406
70	—	(—)	406
71	—	(—)	406
72	—	(—)	406
73	—	(—)	406
74	—	(—)	406
75	—	(—)	406
76	—	(—)	406
77	—	(—)	406
78	—	(—)	406
79	—	(—)	406
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89	—	(—)	406
90	—	(—)	406
91	—	(—)	406
92	—	(—)	406
93	—	(—)	406
94	—	(—)	406
95	—	(—)	406
96	—	(—)	406
97	—	(—)	406
98	—	(—)	406
99	—	(—)	406
100	—	(—)	406

FIND OUT HOW YOUR TEAM IS DOING



Call the ITF checklist on
0891 774 796

Check your points total and your ranking. You need a Touch-tone (DTMF) telephone (most push-button telephones with a * and a hash key are Touch-tone) and your ten-digit selector's PIN. The line is open from noon today

106	Xperts Ltd	(S Dodd)	389
107	PAIT Electronics	(Mr A Shalley)	389
108	Seascope FC 4	(S Adams)	389
109	Well Safe	(A Costello)	389
110	Donny's Dream	(J Matthews)	389
111	Mippers	(K Hughes)	389
112	Paron United	(Mr A Hewitt)	389
113	Frederic Allstars	(D Nicholson)	389
114	Robert Torandos	(D Chubb)	389
115	Kingsmen Crusaders	(S Ambridge)	389
116	Sadman F	(D Mulholland)	389
117	Roy's Rangers	(P M Evans)	389
118	Patrick Thistle	(C Nicol)	389
119	Torrens Barriers 2	(P Turner)	389
120	Madia Still Monsters	(M Midgum)	389
121	Sparly	(M Radcliffe)	389
122	Tyres Blue Noses	(Mr S Tye)	389
123	Eggs N'Ham	(Mr D Warner)	389
124	Adams Men Or God 4	(R Pike)	389
125	Pig In A Poke	(Mr J Waters)	389
126	The Dream Team	(C Funnell)	389
127	Kleppers Two	(E Kibby)	389
128	—	(—)	389
129	County Pine A	(J Hunt)	389
130	Long Drive	(P Parker)	389
131	Sevens Daisies Unit	(R D Balfour)	389
132	Pave Wanderers	(Mr J Vaughan)	389
133	Brillo Boys	(C Thron)	389
134	Seldons United	(Mr S Ambridge)	389
135	The Mirks Fibred	(Mr J Danavell)	389
136	Fraser Dribblers	(G Glenahan)	389
137	DM 001	(D McGinn)	389
138	Good Ltd	(G Good)	389
139	Donny's Dream	(Mr D F Richardson)	389
140	Boogie Monsters	(S Robinson)	389
141	Street FC	(S Birtley)	389
142	QPR Auctioneers A	(S Knapthor)	389
143	Barrys Army	(J P Barry)	389
144	Vesuvio	(G Belchior)	389
145	110 Percent	(M C Dobson)	389
146	Merson The Person	(S Blane)	389
147	Mean Machine	(Ramsay Pate)	389
148	Accrington Olie	(Mr M Bate)	389
149	Kalvers Champions	(Mr K Chisholm)	389
150	Don't Make Me Laugh	(R Collett)	389
151	Formby Flyers	(A Norton)	389
152	Inter Adagio	(S Stacie)	389
153	Milton Town	(Mr RW Fissell)	389
154	Aston Thrillers	(N Patel)	389
155	Mancos Men	(C Bowdler)	389
156	Russell 3	(G Delany)	389
157	Only Can Server	(P Hutchings)	389
158	Wings Ltd	(Mr D Patel)	389
159	Royal Woolwich	(A Heath)	389
160	Maid Heroes	(G Williams)	389
161	J K's Dolphins	(M Trueman)	389
162	Pluffy Flowers	(J F Kitchin)	389
163	The Lockers	(Mr J Field)	389
164	The Black Knights	(R A Green)	389
165	Puffy Pirates	(R R Pilkington)	389
166	The Elite	(Mr C Moore)	389
167	Aldrie	(Mr A Ford)	389
168	—	(M Fich)	389
169	Hot Hot Hotspurs	(Mr K Hunt)	389
170	St Ramy Strikers	(G Delany)	389
171	Nader	(Mr A Naidson)	389
172	Sensible City	(S Cole)	389
173	Purple Sunflowers	(M Fickard)	389
174	Fusion Rangers	(J Lees)	389
175	—	(—)	389
176	—	(—)	389
177	—	(—)	389
178	—	(—)	389
179	—	(—)	389
180	—	(—)	389
181	—	(—)	389
182	—	(—)	389
183	—	(—)	389
184	—	(—)	389
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186	—	(—)	389
187	—	(—)	389
188	—	(—)	389
189	—	(—)	389
190	—	(—)	389
191	—	(—)	389
192	—	(—)	389
193	—	(—)	389
194	—	(—)	389
195	—	(—)	389
196	—	(—)	389
197	—	(—)	389
198	—	(—)	389
199	—	(—)	389
200	—	(—)	389

106	Norman	(T Sigsworth)	389
107	Star's Dirty Dozen	(S House)	389
108	P Collier's Army	(P Collier)	389
109	Good Times United	(Mr T Stabbsford)	389
110	Westabiz Unit 3	(D Smith)	389
111	Bakas Rovers	(E Bakamora)	389
112	Ol Armstrong Yes	(C Hyde)	389
113	The Glory Boys	(N Venn)	389
114	Ramsden Raiders 2	(Mr A Sheeh)	389
115	The Gamblers	(D Gamble)	389
116	Racing Club Haydon	(G Williams)	389
117	Wannabe Stars	(A P Harris)	389
118	Goonies Forever Togo	(Del Lewis)	389
119	Demon Stones FC	(P McCauley)	389
120	Drum Team	(J Vellman)	389
121	Waltham's Wronst FC	(Mr S Hyman)	389
122	They're Hams	(Mr P Johnson)	389
123	Johnnyman	(A Jordan)	389
124	Lagdon Of Doom	(D Madden)	389
125	Mega Elevator	(T Beckor)	389
126	—	(S Ambridge)	389
127	Black Swan Unit	(R Gurney)	389
128	—	(Mrs S Carter)	389
129	Quality O J	(A Aldous)	389
130	Slugs The Limit	(S Coad)	389
131	Mercury	(Dathwood)	389
132	View Fortis	(Mr J Taylor)	389
133	Score A Bandle	(S A Billingham)	389
134	Psychic's	(T Vardy)	389
135	Always Hope	(Mr R Foster)	389
136	Bohlsen Forest	(S Burn)	389
137	Freestone Star 11	(C Clark)	389
138	Risk Versus Reward	(N O'Hara)	389
139	Jason Lee Rules	(T Ross)	389
140	Moneybags United	(P Bridge)	389
141	Boys Day Out Villa	(S Sowden)	389
142	The Sackers	(G Langley)	389
143	Dorset Doughnuts	(D Burd)	389
144	Min United	(T McCusker)	389
145	KBT Unit	(R Patterson)	389
146	Goodies 3rd	(Mr M Mc Govern)	389
147	March Pans	(A Pooley)	389
148	Andrew Elias	(M Kitchin)	389
149	Wylde Green Tower	(R Hetherington)	389
150	Tapscott	(P Mason)	389
151	Spirit Unit	(A T Davies)	389
152	Death Or Glory	(Mr P Gregoridis)	389
153	Lemonias	(A Healy)	389
154	I Did It Anyway	(J J Glassbrook)	389
155	Glamor's Gores	(M Steele)	389
156	Match Wreckers	(N Exsell)	389
157	Excelsior	(A Richardson)	389
158	Switchover	(M F Chopping)	389
159	Points Make Prizes	(M Mendenhall)	389
160	Bljou	(J Lewis)	389
161	Mighty Reds	(S McQuinn)	389
162	The Last Laugh	(J McInerney)	389
163	Max United	(M Priestley)	389
164	Map 9	(A Hancock)	389
165	Al's Alphas	(S Doherty)	389
166	FA Adonis United	(Mrs Jod Jordan)	389
167	Mole FC	(Mr S Harwood)	389
168	Bats Brubbers	(Mr M Henderson)	389
169	Broom United	(Mr M Henderson)	389
170	Leftham Cells	(G Ogan)	389
171	Leftham Cells	(S Peng)	389
172	Janet AFC	(D Strehan)	389
173	The Lodge	(—)	389
174	Daves Linton Lions	(—)	389



ARTS 36-38

Why Julian Spalding won't have dead sheep in his gallery



LAW 31,33

Scott: an unfair attack on a fair judge



SPORT 39-44

Capriati facing toughest return of her career

TELEVISION AND RADIO
Pages 42,43

THE TIMES

BUSINESS EDITOR Lindsay Cook

TUESDAY FEBRUARY 13 1996

Names ready to dismiss £2.8bn offer

By Robert Miller

LLOYD'S names, whose assets have traditionally supported the 300-year-old insurance market, are set to reject a £2.8 billion settlement offer to end years of litigation and cap the cost of members' liabilities. Failure to reach an agreement could force Lloyd's of London to stop writing new business.

David Rowland, chairman of Lloyd's, said that yesterday's proposals, contained in the Reconstruction and Renewal document, represented "the best and most pragmatic framework" for a final settlement for tens of thousands of names, who have suffered cumulative losses of nearly £12 billion since 1987. The terms of the final offer will be made to 30,000 individuals, rather than collective action groups, by the end of May.

Under the proposals Lloyd's said that £800 million of the total global offer would be used as a litigation settlement. This would include some £50 million that would be used to meet costs incurred by the action groups of names that have instigated legal proceedings against Lloyd's and individual syndicates.

Some £2 billion of debt

Tranche 1: Between £300 million and £500 million to relieve disproportionately high losses.
Tranche 2: £200 million to £300 million to reduce the cost of "finality" without disadvantaging those who have paid their debts to Lloyd's in full.
Tranche 3: £1.1 billion to £1.3 billion to cap the cost of "finality" at £100,000 after deducting funds at Lloyd's, and so assist names facing difficulty in achieving "finality".
Tranche 4: £100 million to £150 million to provide further assistance to those names otherwise unable to meet the cost of the "finality".

credits would also be allocated to names in four tranches, depending on individual circumstances. The debt credits are intended to reduce the cost to members of reinsuring their liabilities into a specially formed company, Equitas.

Lloyd's said that each tranche of money is designed to address a specific objective, with the first tranche of between £300 million and £500 million being used to relieve disproportionately high losses. The second tranche of between £200 million and £300 million will reduce the cost of "finality" without unfairly disadvantaging those who have paid their debts to Lloyd's in full. The third, and largest, tranche of up to £1.3 billion will cap the cost of

"finality" at £100,000 after deducting names' funds already held by Lloyd's.

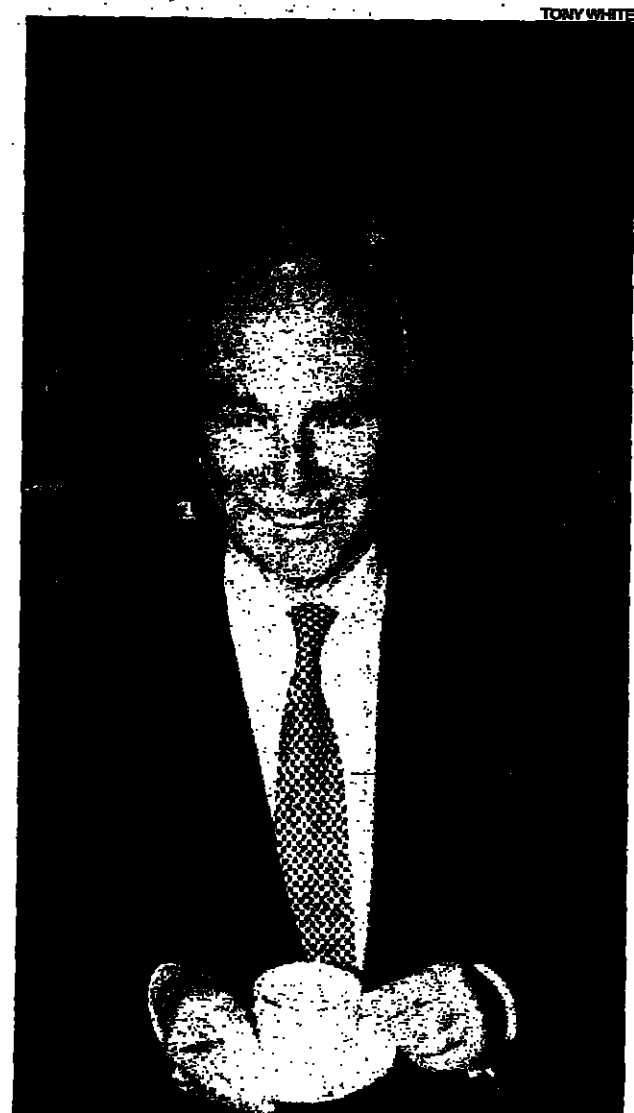
The fourth tranche of between £100 million and £150 million would provide further assistance to names otherwise unable to meet the cost of finality. Access to this tranche would be means-tested.

John Mays, chairman of Merrett No. 2 group and a member of the Litigating Names' Committee, said the £2.8 billion offer was "not enough" and the £100,000 "finality" cap should be halved. Robert Miller of the Association of Lloyd's Members said additional funding for the settlement could be raised by doubling or trebling to £300 or £450 million the contribution from Lloyd's managing agents, who made £400 million to £600 million in commissions between 1993 and 1995.

Christopher Stockwell, chairman of the Lloyd's Names Associations' Working Party, said: "The settlement proposals are based on expediency and not justice. They are not acceptable... Thousands of ruined names know that the cause of their £12 billion 'losses' has been regulatory failure, incompetence, negligence, deliberate concealment and fraud."

Alan Porter, chairman of the Devonshire and Cuthbert Heath action groups of more than 2,300 litigating names, said the terms of the Lloyd's final offer "were not acceptable", and that the plans for means-testing are "impracticable and offensive".

Last night Lloyd's indicated that the terms might be further improved "if the additional funding can be found".



David Rowland promised final terms by end of May

Nelson dismisses chance of early Lloyd's review

By Arthur Leathley, Political Correspondent

A WIDE-RANGING review of regulation of Lloyd's will be set up by ministers, but not before the next general election, MPs were told last night.

Anthony Nelson, the Trade Minister, said that an early review of regulation could damage the prospects of success for Equitas, the reinsurance company being formed to meet Lloyd's liabilities.

Mr Nelson said it was unlikely that a full review of regulation at Lloyd's could be carried out before the summer of 1997. He told the Commons Treasury Select Committee: "We should look again at the overall structure when the horizon is clearer."

He conceded that the Government had taken too long in looking at regulation in the past and that ministers needed to be "nimble".

Hecked repeatedly by Lloyd's names attending the hearing, Mr Nelson said that it was important not to distract attention from setting up Equitas successfully. "If it were undertaken now, it would make the prospects of Equitas getting off the ground very much less," he said.

However, he dismissed suggestions of some MPs that the review was being delayed to avoid controversy prior to a general election.

Mr Nelson added that there had been inadequate regulation and supervision of most areas of the financial sector, but he insisted that a review

should not look only at what had gone wrong in the past.

Pressed repeatedly by Tory and Labour MPs over the supervision of Equitas, Mr Nelson said that the Department of Trade and Industry would check Lloyd's assessment of the amount needed to meet liabilities.

Matthew Carrington, a Tory MP on the committee, said that many of the names contributing to Equitas "have no confidence in Lloyd's".

Hopes rise of rate cut as inflation eases

By Janet Bush, Economics Correspondent

INFLATION in industry has peaked and is now easing, providing a favourable background for further cuts in interest rates to breathe new life into the recovery.

Output prices — an indicator closely watched by both the Treasury and the Bank of England — rose 0.4 per cent in January as manufacturers produced their New Year list prices. But this was a much smaller rise than in previous years and the annual rate of output price inflation fell sharply, to 3.8 per cent, from 4.4 per cent. This is the lowest level since March, 1995.

Excluding food, drink and

tobacco, underlying output prices were unchanged in the month and the annual rate fell to 3.6 per cent, from 4.4 per cent. This was the lowest level since January last year.

Input prices, the cost of raw materials and fuel to industry,

fell 0.3 per cent in January, taking the annual rate down to 4 per cent, from 5.9 per cent in December.

The effects of the commodity price shock which, coupled with sterling's weakness, sent industry's costs and prices

sharply higher, is now over and should allay some of the fears of higher inflation at the Bank, which tomorrow publishes its latest Inflation Report. The Bank has repeatedly expressed concern about a chain reaction in which high-

er commodity prices feed through into industry's prices and then into higher inflation on the high street.

The City is forecasting further falls in output prices over the coming months and at least one more ½-point cut in

base rates. Andrew Cates, of UBS, said: "The current sluggish state of the manufacturing economy and these weaker inflation figures are powerful weapons to a Chancellor who needs to lower base rates to aid his party's political fortunes." He said that any lingering Bank concerns on inflation that may be expressed in the Inflation Report were likely to fall on deaf ears.

Figures for retail prices in January are due to be published on Thursday and are expected to show that both headline and underlying inflation have fallen below 3 per cent again. Many City economists believe rates will be cut after the March monetary meeting.

Sales continue recovery into January

HIGH STREET sales appeared to hold up well in January despite bad weather and bumper spending on the National Lottery, according to a survey by the British Retail Consortium (BRC), which represents retailers.

The like-for-like value of sales — which removes the

effect of any expansion of retail floor space — was 4.1 per cent above January a year earlier.

This is similar to the year-on-year growth of 4.3 per cent in December and suggests that the recovery in sales seen last year was sustained into the new year. In contrast,

sales in January 1995 plunged sharply after a good Christmas.

In the latest three months, the BRC Retail Sales Monitor, based on returns from a sample of 75 leading retailers, showed average growth of 3.9 per cent, up from 3.3 per cent in the October to December

period. Andrew Sentance, BRC's chief economic adviser, said: "Recent cuts in interest rates and the prospect of lower personal tax in the spring are helping to build consumer confidence and sustain a stronger trend in retail spending than we saw last year."

Mediators aim to save vital talks on Eurotunnel

By Jonathan Prynn, Transport Correspondent

TWO French-appointed mediators have been sent in to revive the rescue talks between Eurotunnel and its bankers, which are close to breaking down over how much of its £8 billion debts should be written off.

Lord Wakeham, the chairman of the Press Complaints Commission, and Robert Badinter, a former French justice minister, were appointed by the Paris Tribunal de Commerce, after the company's French auditors warned in November that the company was close to technical insolvency.

They will spend until the summer talking informally to the company, its bankers, shareholders and creditors about finding a possible solution to its financial problems.

The procedure is used in France to protect employees when a company is in danger of collapse, but has never been tried before on a company of Eurotunnel's size.

Sir Alastair Morton, the co-chairman of Eurotunnel, yesterday welcomed the appointments, unanimously agreed by the Eurotunnel board.

He said Lord Wakeham "and his very distinguished French confrère will bring good sense to their 'good offices' mission between the company, the banks, the governments and the rest of our always stimulating situation."

However, he insisted that the appointment of the mediators was "in no sense" the first stage of insolvency. He said: "The intent is quite different to going under; the intent is an accommodation of what the bankers would like to have, what the shareholders want and what the company needs."

The solution would be a structure that allowed the company to service its debts and gradually pay them off, while leaving sufficient cash flow to finance its future development and leave a reasonable prospect of a dividend payment to shareholders. This could take up to a decade, he warned.

Eurotunnel has suspended interest payments on its £8 billion of junior debt until

March 1997, when it must secure the agreement of holders of 65 per cent of its debt for an extension to the standstill.

The interest is building up at about £700 million a year compared with forecast revenues for the current year of around £450 million.

Sir Alastair admitted yesterday that failure to secure an extension of the standstill in the absence of a restructuring "could be fatal to the company".

Sir Alastair and Patrick Ponsolle, the French co-chairman, said they would refuse to agree to any proposed deal "in which the payment of interest and repayment of principal might absorb the company's whole cash flow to the end of the concession".

The statement conceded that a debt for equity swap might be inevitable "in return for later and lower remuneration and repayment of their loans".

Pennington, page 25

Warner and MAI plan theme park to rival Disney

By Alexandra Frean and Eric Reguly

MAI, the television and financial services group that last week agreed to merge with United News & Media, is expected this morning to announce a £225 million joint investment with America's Warner Bros to build a theme park in southern England.

The park, which would include a film studio, multiplex cinemas, rides and restaurants, is to be built on a tract of vacant land in the west London borough of Hillingdon, just north of Heathrow airport. Planning consent has not yet been granted.

MAI and Warner would share the cost equally. MAI has considerable financial flexibility because its proposed mer-

ger with United is through a share swap that offers no premium and adds no debt.

Warner, owned by Time Warner of New York, one of the world's largest media and entertainment groups, has been trying for some time to enter the theme park market, which is dominated by the Walt Disney Company and the Universal Studios division of MCA, the Hollywood studio that is now part of Canada's Seagram.

The Warner-MAI park would draw on Warner's rich movie heritage to create attractions. Warner's movies include *Batman*, *Lethal Weapon*, *Beetlejuice*, *Casablanca* and *The Maltese Falcon*.

MAI and Time Warner already have a number of joint ventures, including Irel, an international TV and film distribution company based in London, and a production company.

Mercury Asset Management, the fund manager that backed Granada's winning bid for Forté, sold more MAI shares yesterday. The move suggests that a rival bid for MAI is unlikely.

Mercury sold 870,000 MAI shares at prices ranging from 430p to 442p, reducing its holding to 19.7 million shares, or 5.98 per cent. On Friday, it sold 8.3 million MAI shares, a 2 per cent stake, for about £25 million.

Analysts said Mercury — known as an astute judge of the takeover game — would be unlikely to sell MAI shares if it sensed a counterbid. Carlton Communications, the largest ITV company, was considered the most likely bidder. Carlton would not comment.

BUSINESS TODAY

STOCK MARKET		
FT-SE 100	3728.6	(+10.3)
Yield	3.96%	
FT-SE All shares	1823.23	(+3.96)
Nikkei	Closed	
New York		
Dow Jones	5988.88	(+46.87)
S&P Composite	681.25	(+3.95)
TREASURY		
Federal Funds	5 1/4%	(5 1/4%)
Long Bond	8 1/4%	(8 1/4%)
Yield	6.89%	(6.10%)
LONDON BOMBY		
3-mth Interbank	6 1/4%	(6 1/4%)
Life long gdt	10 1/4%	(10 1/4%)
Future (Mar)		
STERLING		
New York	1.5310*	(1.5307)
London		
\$	1.5309	(1.5321)
DM	2.2542	(2.2548)
FF	7.7510	(7.7790)
Sfr	1.5515	(1.5518)
Yen	163.21	(163.28)
£ Index	83.8	(84.1)
DOLLAR		
London		
DM	1.4723*	(1.4780)
FF	5.0630*	(5.0747)
Sfr	1.2015*	(1.2065)
Yen	108.64*	(107.00)
£ Index	95.0	(95.2)
TOKYO CLOSING YEN CLOSING		
Went 15-day (Apr)	\$16.25	(\$16.20)
GOLD		
London close	\$403.45	(\$407.15)
* denotes midday trading price		

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□ Sir Alastair Morton's mediators □ Black spot for takeover targets □ Exit for names, at a price

Chapter ten and a half at Eurotunnel

SIR Alastair Morton could not have been more vehement yesterday in insisting that the appointment of mediators to sort out the company's financial problems was a harmless French idea to use distinguished people's good offices rather than the first step on the shuttle to insolvency. Others may be forgiven if they do not share his insouciance. Under French law, a company's auditors are obliged to report to the President of the Tribunal de Commerce in Paris if they fear imminent bankruptcy. The President sends in mediators to try and sort out a rescue deal and give the company some breathing space from its creditors.

If this is not quite *Chapitre Onze*, it is something perilously close to it. The two mediators announced yesterday are undoubtedly heavyweights who share the advantage of having no direct personal involvement in the Eurotunnel farrago, although Lord Wakeham was a member of the Cabinet that gave its blessing to a 100 per cent privately financed Channel Tunnel in the mid-1980s.

The mediators' task is to persuade 225 banks not only to keep Eurotunnel afloat but allow it enough buoyancy to leave open the prospect that shareholders might still receive some dividend before the company's concession

finally runs out. This is a tall order that will stretch even Lord Wakeham's legendary skills at political ingenuity and establishment manipulation. But politicians are certainly the right people for the job and Robert Badinter, Wakeham's French confidant, may be the key figure in using continental culture to resolve what raw Anglo-Saxon business methods cannot.

If Eurotunnel survives, it will do so ultimately because the French Establishment does not want 620,000 citizen shareholders to be left with nothing. This would hardly aid the cause of privatisation in France, which has already got off to a shaky start.

Disgruntled Frenchmen have a tendency to cause trouble, for instance by refusing any scheme drawn up by banks.

The smaller number of UK shareholders, again overwhelmingly private investors, are probably more realistic. Most may now reckon their travel concessions are the only thing worth preserving. In many cases they will be worth more than the shares, which do not reflect the

value of untransferable perks. For these to be preserved, it is only necessary that the company does not go into liquidation and the shares continue to exist. The board must therefore make sure they are not bargained away.

Were it not for the political dimension, banks might well do a Canary Wharf, foreclosing in order to take control of the equity. It is still possible that two thirds of more than 200 of them will be foolish enough to vote in March against continuing the current moratorium on junior debt service for another year. Avoiding that is the mediators' first objective.

Britain for sale, all bidders welcome

WHAT is the point, beleaguered company boards might reasonably ask? According to Scottish Amicable Investment Managers, who also manage £2 billion of other people's money, takeover bids should normally be accepted and it would be great for shareholders if there were more of them. Analysis of 15

PENNINGTON



companies that actively fought off bids in recent years, rather than surviving by grace of the competition authorities, shows that most went on to underperform the stock market average.

The Glasgow manager concludes: "History suggests that shareholders are better to accept the offer on the table and reinvest the proceeds in the stock market".

In case potential bidders have not received the invitation, Scottish Amicable spells it out loud and clear. "Time is ripe for success in gaining control of underperforming assets. Institutional shareholders are becoming increasingly reluctant to back incumbent management as

they are being forced to deliver short-term investment performance for our clients". Competition invites fund managers to take any bid premium going, often by selling in the market, regardless of the long-term consequences. So make that bid now.

Bigger fish than Scottish Amicable adopt this strategy, though they are more coy about it. It is not surprising that escapes underperforming the market by an average 12 per cent in the first twelve months.

The bid brings forward potential share price growth. Far more telling is that 10 out of 13 were underperforming after three years. As Douglas Ferrans of Scottish Amicable notes, aggressors usually have the upper hand. "The defender has to make some pretty bold promises and often fails to deliver".

There are big exceptions, such as Rascal and Dixons, whose independence rewarded investors. And if fund managers unthinkingly backed bidders, bid terms would soon slide lower. So a tactical veil will cloak fund managers' eagerness. But

anyone framing public policy on takeovers should realise that a simplistic principle that all premiums should be cashed to boost short-term performance is all that can be expected from institutional shareholders.

Lloyd's line of least resistance

THE "final" offer to disgruntled Lloyd's names may be no more final than the last time. But some modified version of the detailed plan unveiled yesterday seems likely to pass muster in the summer, despite the chorus of disapproval that immediately peppered it. That may not be because it is a great plan. It is clearly flawed. But Lloyd's David Rowland has one powerful force going for him. Most people concerned have grown so battle weary that they want the issue to be over and done with.

At least this Lloyd's settlement plan would achieve that. It can terminate the misery of any name. All liabilities for the past can be quantified and dealt with, and names can finally end their

sentence in the insurance market. Just as important, those liabilities to be reinsured with Equitas will be capped. On the basis of £2.8 billion kitty, the cap is £100,000 of new money.

Otherwise, 9,000 names might have to pay more and 2,000 might be down for £400,000. Capping will take about £12 billion, against £800 million reserved for litigants. It will also benefit from extra money from auditors, brokers and managing agents that will be needed if thousands of successful or optimistic litigants are to back the settlement instead.

When the latter groups do their sums, they may find that many names do not care if the plan lapses. Lloyd's fails its names solvency test and has to shut up shop. Extra should be forthcoming. Then, more will surely be reserved for litigants before the rest helps lower the liability cap.

If such changes are made, the unavoidable injustices of such a scheme should not stop it. The arrogance of Lloyd's still might. The Council of Lloyd's would still wield its long discredited discretion to deny access to one or more of the funds to professionals nominally responsible to the disciplinary board, as well as thirty outside names. Still no point being a name if your face does not fit.

Managers buy £200m British Alcan businesses

BY MARTIN BARROW

A MANAGEMENT team has triumphed in the race to acquire the downstream interests of British Alcan for £200 million.

British Aluminium, a newly formed company backed by institutional investors, is acquiring 12 businesses from Alcan, boasting annual sales in excess of £500 million and profits of more than £25 million. The company will be based in Manchester and will employ about 4,200 people.

The businesses being acquired include Baco Consum-

er Products, manufacturer of Bacofoil household foil, clingfilm and wrapping products, with operations in Amersham and Huddersfield.

It also owns Lunder Gas Cylinders, the manufacturer of high-pressure gas cylinders, with UK operations in Nottingham and Aldridge, Staffordshire, and in the US in California and North Carolina. Baco Metal Centres, another subsidiary, is the largest aluminium distributor in Britain.

A total of £265 million has

been raised for the transaction, allowing scope for new investment and growth. Institutional investors in British Aluminium include Mercury Development Capital, CVC Capital Partners and Morgan Grenfell Development Capital.

The management team will also have a stake in the business.

The chairman of British Aluminium will be Jeff Whalley, the chairman of FKI, who will work on a part-time basis with Ian MacKinnon, chief executive, and Brian Purves, financial director.

Mr MacKinnon was formerly a member of British Alcan's management team from 1991, when he was recruited to manage the speciality and aerospace division. He left during 1994 to assemble the management buyout. He is a former managing director of Leyland Bus.

Mr Purves is currently a member of the Rover Group executive committee and has held senior finance positions at Land Rover, at Rover's commercial division and at Rover Group headquarters.

At FKI, Mr Whalley has presided over the company's increase in value from £250 million to £950 million since the Demerger of FKI Babcock in 1991.

The businesses are being acquired from Alcan Aluminium, the Canadian parent of British Alcan. British Alcan will continue to be the UK's largest producer of primary aluminium, rolled aluminium products and alumina chemicals.

Its activities will comprise Alcan Smelting & Power UK, based in Newcastle, which operates primary aluminium smelters with a combined capacity of 179,000 tonnes a year; Alcan Rolled Products UK; Alcan Recycling and Alcan Chemicals Europe.



Building up hopes: Andrew MacKenzie, left, chief executive of Bryant, with Sir Colin Hope, chairman, yesterday

Farnell bid for Premier in balance

THE fate of Farnell's £1.8 billion bid for Premier was balanced on a knife edge last night as the leading institutional shareholders finalised their positions for today's vote (Alasdair Murray writes).

Attention centred on the voting intention of the Prudential fund management division, which controls 6 per cent of the voting rights. Prudential was believed to be concerned about the cost of the deal but last night refused to comment on which way the company would vote at today's extraordinary meeting.

Prudential's position is crucial because Farnell needs 75 per cent of the vote to proceed with the takeover.

Farnell claims the support of about 24 per cent of shareholders. Farnell's share price fell 10p to 639p.

Time-Turner deal and top job in jeopardy

FROM RICHARD THOMSON IN NEW YORK

THE \$7.5 billion takeover deal between Time Warner and Ted Turner's cable television network could be in jeopardy and the future of Gerald Levin, Time's chairman, has been thrown into doubt.

The deal faces strong opposition from the powerful Federal Trade Commission (FTC), whose approval is needed for the takeover to go ahead. The FTC believes the deal has "manifest problems" which could prove too complex to iron out. If the deal went through it would create the world's largest entertainment group, worth \$20 billion.

Meanwhile, a devastating 15-page article in *New Yorker* magazine, written by Connie Bruck, who is an authority on Time Warner, details a series

of blunders by Gerald Levin in negotiating the deal which substantially raised its cost to Time's shareholders. For example, it is alleged, he failed to notify Telecommunications Inc., Time's largest shareholder, before announcing the takeover, allowing TCI to demand cheap access to the Turner network, and a series of other "sweetheart" deals as the price for not blocking the takeover.

News of the deal sparked intense boardroom infighting that could have spelled disaster for Levin if the co-chairmen of Warner Bros, Bob Daly and Terry Semel, had carried out a threat to resign. Levin bought them off with extra compensation of \$150 million and sacked Michael

Fuchs, the head of Warner Music and their arch-rival, who is likely to get a pay-off of about \$70 million.

Outmanoeuvred at every turn, with leading executives increasingly unhappy shareholders, and a growing reputation for profligacy, Mr Levin's "eventual forced exit seems likely", the article says.

Its conclusion intensifies speculation that Mr Levin's departure is inevitable whether or not the Turner deal goes through.

Many observers believe Mr Turner, who is to become Time's deputy chairman, will oust Mr Levin at the earliest opportunity if his company is taken over. But if the deal collapses, Mr Levin is likely to be ejected by his shareholders.

Profits at Bryant halved but prospects promising

BY ALASDAIR MURRAY

BRYANT, the housebuilder, revealed yesterday that half-year profits had halved to £10.1 million as the industry continues to suffer from poor consumer confidence.

Shares fell a further 15p to 104.5p, but later recovered to close unchanged at 106p.

Sir Colin Hope, the chairman, expressed cautious optimism for the rest of the year. "The prospects for the housing market in 1996 are showing signs of gradual improvement as purchaser confidence responds to reductions in personal taxation and interest rates."

Overall turnover fell 5 per cent to £232 million for the six months to November 30. The homes division experienced a fall in reservations of 20 per cent and completions dropped 12 per cent to 1,530. But Bryant said that all the homes divisions, apart from County Homes, made an operating profit while the construction division maintained profits at £1.1 million.

The company increased the average house selling price to £114,000, from £106,000 last year, largely owing to a concentration on more expensive sales. But operating margins fell by 6 per cent as build costs increased. The company's land bank was reduced from 9,700 to 9,000 plots. The company added that it was now concentrating on negotiating options to purchase land.

Bryant revealed that it had made a £500,000 provision to cover 80 redundancies announced last autumn, and had negotiated a number of reductions in build costs, which combined with a decrease in overheads would enable the company to boost operating margins.

The dividend was maintained at 1.45p payable on April 24.

Tempus, page 26

Saunders appeal to human rights

FROM A CORRESPONDENT IN STRASBOURG

THE European Court of Human Rights is to examine an appeal by Ernest Saunders, former chief executive of Guinness, that he was denied a fair hearing in his trial on fraud charges. The hearing takes place on February 19.

In May 1987, Saunders was charged with false accounting, theft and the destruction of documents. The charges related to the 1986 takeover of Distillers by Guinness. The Serious Fraud Office accused Guinness of artificially inflating its share price during the takeover battle.

In August 1990, Saunders was convicted and sentenced to five years in jail. Three prominent businessmen were also convicted — Gerald Ronson, chairman of Heron International, which took part in the share-buying operation; Anthony Parnes, a trader; and Sir Jack Lyons,

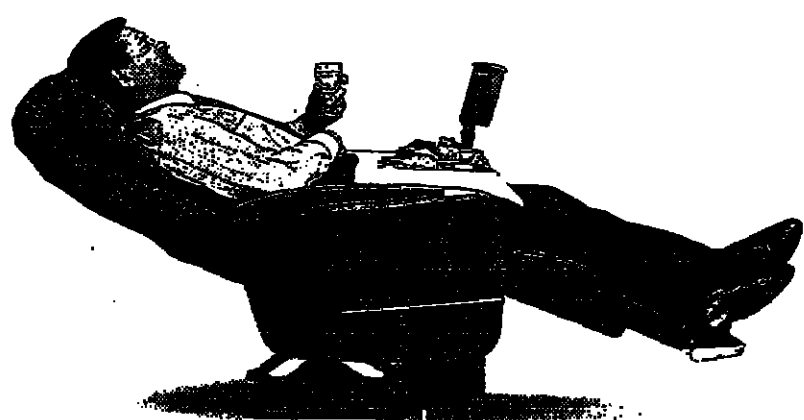
who acted as a management consultant to Guinness. They have always maintained the share operations were common practice and therefore could not be classified as a crime.

In May 1991, the Court of Appeal upheld the judgment against Saunders on all but one count but cut his jail term to two and a half years.

The conviction was upheld again last November when the Court of Appeal was asked to reconsider the case in the light of new evidence.

Saunders' new appeal centres on the use at this trial of statements he made to Department of Trade and Industry inspectors. He claims the use of the incriminating statements — he was required by law to answer DTI questions or face jail for contempt — breached an article of the European Convention on Human Rights relating to a fair trial.

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LAW

● LABOUR BARRISTERS 33
● PRIVATE FINANCE 33

Anthony Scrivener, QC, on the implications of the Scott report, and David Pannick, QC, on the future role of judges in inquiries

Scott: unfair attack on a fair judge

One result of this week's report by Sir Richard Scott will be that, in future, public interest immunity (PII) certificates will again have some credibility.

The evidence at the inquiry revealed the shenanigans that went on when the Matrix Churchill PII certificates were signed. These appeared to conceal the fact that, contrary to expressed Government policy, sales of arms to Iraq had been encouraged and one of the defendants had been used as a British spy. Even the not easily ruffled Sir Humphrey would have blushed.

Ministers took different approaches to signing the certificates. One did his own thing and took responsibility for what he signed. This looks like an example of what used to be called ministerial responsibility — a doctrine which seems to be in decline.

Others were told by the Attorney-General that they had no choice in the matter and they had to sign — and so they did. Another did not like being told to sign and carefully noted his reservations for posterity, and required those reservations to be passed on to the court.

Unfortunately, in the euphoria of obtaining this important signature to complete the battery of certificates, everyone seems to have forgotten to inform the court of the reservations. This was all the more sad bearing in mind this was a criminal trial. To use the words of Hamlet, the whole episode was enough to cause:

*"Each particular hair to stand on end,
Like quills upon the fretful porcupine."*

An Attorney-General telling ministers that they must sign on the dotted line to prevent disclosures seems a long way from those proud words of Viscount Kilmer, a Conservative Lord Chancellor, who, in 1956, said that if documents "are relevant to the defence in criminal proceedings, Crown privilege should not be claimed".

The Attorney-General's opinion that ministers had to sign the certificates came under close examination at the Scott inquiry. Some of the questions and answers are recommended for light reading. It will be interesting to see if this notion of the Attorney-General survives the report, or whether ministerial responsibility is due to make an unexpected comeback.

The confidence of the public and the courts will be greatly restored if they can at least be sure that a minister has considered the documents and exercised his own judgment before deciding to sign a certificate.

In this way, he will have taken personal responsibility for the decision and so will not be heard later to say that the senior law officer somehow put him up to it.

Everyone accepts that it may be necessary to protect state security, and perhaps other sensitive material, but the Scott report will reveal whether the certificates were issued in the Matrix Churchill case for such honourable purposes or merely to protect against political embarrassment.

Hopefully, the report will ensure that, in future, PII certificates are used only for legitimate purposes.

The real problem for the Government is that it is likely Sir Richard has unearthed some unpleasant truths

The only protection against abuse of this procedure is a truthful and frank certificate given by a responsible minister which is then considered by an impartial judge who, having all the relevant information, is able to strike the appropriate balance between the interests of the State and the individual. It is hoped that the Scott report will help to achieve this objective.

There is a more sinister aspect to the Matrix Churchill fiasco. It seems probable that the generous use of public interest immunity certificates distorted the trial. The effect of the certificates was to deny to the defence practically every document which would have shown the truth and would have confirmed the defence. Anyone who knew of the documents hidden by the certificates should have appreciated this.

The question which the Scott report may well address is: who allowed the prosecution case to be presented on this false basis? This is an important question since the

exclusion of the evidence meant that innocent men ran the risk of conviction.

It is obvious that the Government is expecting flak from the report. There are those in the party faithful who are attempting to rubbish the report on the grounds that Sir Richard Scott adopted procedures different from those proposed by Lord Salmon in an earlier and different type of inquiry, and the report was therefore unfair. Lord Howe of Aberavon has already been a vociferous spokesman on the subject.

It is a pity that Lord Howe does not examine, for comparison, the procedures used by the Department of Trade and Industry or perhaps by the Serious Fraud Office or even the police had he done so he would certainly have been much better informed and perhaps less outspoken.

The fact is that the procedures suggested by Lord Salmon for use at inquiries were never intended to be applicable to every situation. He was at pains to emphasise that such rules had to be flexible according to the different types of inquiry.

The procedure at the Scott inquiry was eminently fair: questions were provided in advance, every witness was able to consult his lawyer even during questioning, a witness could not be compelled to answer, the witness was able to correct the transcript of his evidence afterwards, and no criticism could be made in the report unless the witness had been given an opportunity to comment on it.

Those businessmen who have been witnesses at a DTI inquiry will have little sympathy for politicians complaining about unfairness at the Scott inquiry.

The real problem is that it is likely the judge has unearthed some unpleasant truths. There is plenty of evidence of this from the Matrix Churchill trial itself: remember poor Alan Clark when faced unexpectedly with a document no longer protected by a certificate? He said: "... well, it's our old friend being economical, isn't it?"

And thus he brought back happy memories of another "old friend" being caught being to rights at an earlier trial in which the Government was involved.

● Anthony Scrivener is a former chairman of the Bar.



Sir Richard Scott has been criticised by those who are ill-informed about the inquiry

INNS AND OUTS

Juries not guilty

THE NEW minister in the Lord Chancellor's Department, Jonathan Evans, MP, has hit back at statements by Jack Straw, the Shadow Home Secretary, that juries now no longer reflect their community and are "skewed" towards the working class and the unemployed.

Mr Straw's allegations of "loose practice" — by which the self-employed and professionals can easily evade jury service — were "very wide of the mark," says Mr Evans. "The Criminal Justice Act 1988 introduced the possibility of deferral of jury service. This aims to reduce requests to be excused, because those who have commitments, such as holidays or specific work problems, are expected to serve at a later date."

He quotes research for the Royal Commission on Criminal Justice showing that the occupations of juries matched the general population "with a slight over-representation of clerical workers and under-representation of skilled manual workers".

Jungle out there

KEN LIVINGSTONE, MP, is developing a successful sideline as an expert witness. He recently gave evidence on behalf of the zoo owner John Aspinall at the latter's successful appeal to allow trainers to enter his zoo's tiger enclosures. Mr Livingstone supported the argument that the ban prevented the trainers from doing what they wanted to do.

But Mr Aspinall's lawyer, David Harrel, a partner at S.J. Berwin & Co, says: "He also offered to give expert evidence on wildlife, drawing on his extensive experience of going in with live news."

Food for thought

MEMBERS of the law firm Nicholson Graham & Jones, who wondered what the correspondence mysteriously headed "Project Balti" was about, now know. Its entire pensions department, consisting of eight lawyers, was negotiating to move to the London pension firm Sacker & Co, which will almost double in size as a result.

A spokesman for Sacker & Co explains the project's unusual code name: "The head of Nicholson's department, Ian Pittaway, and his team met in an Indian restaurant to discuss the possibility of moving, and Project Balti was born."

Perils of doing the dirty work

Sir Richard Scott's long-awaited report into the export of arms to Iraq will be published on Thursday. Its contents will seek to answer many questions about the propriety of government conduct, but it will raise almost as many questions about the future role of the judiciary in conducting inquiries on behalf of the Government.

Prime Ministers have habitually turned to judges to investigate and report on important and sensitive issues. Some of these inquiries have concerned national tragedies or traumas, such as the Aberfan disaster (Lord Justice Edmund Davies in 1966-67), allegations of child abuse in Cleveland (Lady Justice Butler-Sloss in 1988), and the Hillsborough stadium disaster (Lord Justice Taylor in 1989).

On many occasions, the subjects entrusted to judges have had the potential to become politically explosive. Lord Denning conducted an inquiry into the security implications of the Profumo affair in 1963. He later wrote that some of the evidence was "so disgusting — even to my sophisticated mind — that I sent the lady shorthand writers out and had no note of it taken".

Then, from 1965 to 1968, Lord Pearson chaired a Royal Commission on Trade Union Reform. In 1972, Lord Wilberforce reported on miners' pay. Lord Diplock advised on legal procedures for terrorist trials in Northern Ireland and Lord Widgery inquired into the events of Northern Ireland's

"Bloody Sunday", in which 13 civilians were killed. Lord Scarman's 1981 report on the Brixton riots and Lord Woolf's 1990 inquiry into prison conditions, also concerned issues of fundamental political dispute.

Prime Ministers choose judges to conduct these inquiries for a variety of reasons. Judges are skilled at considering a mass of evidence, analysing its relevance and weight, and producing a reasoned conclusion as to what occurred and why. Judges are, and are perceived to be, impartial when assessing controversial issues. A report which carries the authority of a judge is likely to command public respect.

Appointing judges to do such dirty work is not a peculiarly British phenomenon. When President Kennedy was assassinated in 1963, it was natural for his successor, President Johnson, to appoint Earl Warren, the Chief Justice of the United States Supreme Court, to conduct the investigation into the shooting.

The use of judges to inquire on behalf of the Government works well when the issues concern disputed questions of fact, or proposals for reform of technical areas of law. Then the judiciary is playing to its strengths. When, by contrast, judges are invited to make extra-legal judgments, whether political, social or moral, politicians have recognised that the judge's lack of prior expertise is outweighed by the value of an independent assessment of complex issues.

The fundamental dispute which will boil over on Thursday concerns the weight to be attached to the conclusions and recommendations of a judge who was not an expert on the working practices of Whitehall before he began his task. The attack has been led by Lord Howe of Aberavon. He has contended that Sir Richard has failed to understand the realities of the way government operates in the real world.

Yet Sir Richard was appointed precisely to ensure that substantial allegations about the propriety of government conduct were thoroughly considered by an independent person from outside Whitehall, who would study the material and apply objective standards of assessment.

This is likely to be the last such inquiry for many years. Politicians and civil servants are going to take a long time to recover from the shock that a judge has required them to answer, in public, difficult questions about their official conduct. They will be very reluctant in future to let a member of the judiciary loose on politically sensitive issues.

The impact of the Scott report on the judiciary will be equally traumatic. Prime Ministers and Lord Chancellors are going to have to twist judicial arms to breaking point if they are ever again to persuade a judge to accept responsibility for conducting an inquiry into a politically controversial topic which will occupy months, or years, of work, and which leads to hostile criticism and may result in political repudiation of the judicial findings.

Any judge who feels he is being made an offer that he cannot refuse should ask to see the bruises inflicted on Lord Nolan during his continuing inquiry into standards in public life.

Whatever the short-term political consequences of the Scott report, the most significant long-term effect will be to ensure that, in future, judges are less frequently distracted from their primary task of deciding cases in court.

If the Scott report promotes such a divorce between judges and politicians, it is because the inquiry has confirmed that there are irreconcilable differences between them.

● The author is a practising barrister and a Fellow of All Souls College, Oxford.



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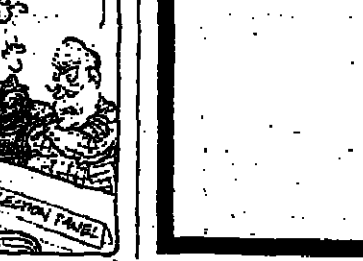
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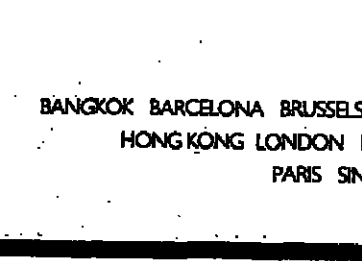
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Peter Goldsmith, QC, and Michael Beloff, QC, reject criticism of Cherie Booth

The cab rank rule keeps us impartial

Last year Cherie Booth, the wife of the Leader of the Opposition, was made a Queen's Counsel on the recommendation of the Conservative Lord Chancellor, Lord Mackay of Clashfern. It was a vivid and valuable demonstration of the constitutional doctrine that the administration of justice and party politics are separate in the United Kingdom.

No objection can be taken to the natural curiosity of the media in Ms Booth's career as a barrister, which is itself an object lesson in the fact that gender imposes no fetter on success at the modern Bar. However, on no fewer than three occasions public criticism has been made by various persons of Ms Booth's advocacy on behalf of one

English-born philosopher who supported the French Revolution, are relevant almost two centuries later. "From the moment that any advocate can be permitted to say that he will or will not stand between the Crown and the subject arraigned in the court where he daily sits to practise, from that moment the liberties of England are at an end."

It is a matter of constitutional importance that the advocates cannot pick and choose their clients on political grounds, on the popularity of the client's cause, or on whim. In certain Commonwealth jurisdictions, with a fused profession, there have occasionally been real difficulties in finding lawyers prepared to represent an unpopular dissenter from prevailing political orthodoxy. It is not for the advocate to prejudge the merits or otherwise of a client's case (although he or she may, of course, advise the client as to his chances of success); that would be to usurp the role of the judge or jury.

The most disreputable litigant is still entitled to proper representation. Lord Pearce in 1969 pointed to the reality if it were otherwise: "It is easier, pleasant and more advantageous professionally for barristers to advise, represent or defend those who are decent and reasonable and likely to succeed in their action or their defence than those who are unpleasant, unreasonable, disreputable and have an apparently hopeless case. Yet it would be tragic if our legal system came to provide no reputable defenders, representatives or advisers for the latter, and that would be the inevitable result of allowing barristers to pick and choose their clients."

Finally, the rule enhances consumer confidence in the reality of access to the best justice that private or public money can obtain; and in the impartiality of advice received, uninfluenced by perceived personal or political predilection or the barristers' behalf. Advocates can decline to accept

The real story would be if Ms Booth refused to appear for a client



Cherie Booth, QC, cannot pick her clients on the basis of their politics

instructions on various grounds: lack of time; lack of adequate remuneration (if the case is privately funded); lack of experience in the particular field; lack of time to prepare; conflict of interest; refusal to participate in proposed deception of the court. But he or she cannot do so because the client or the client's cause fail to pass muster with a section of the electorate or even with their elected representatives.

Let it be thought that the cab rank rule is a formal tradition rather than a living principle, or even that it is more honoured in the breach than the observance, the authors can testify to its daily utility in the courts of law. David Pannick, QC, represented the leader of the Unification Church in the

High Court in a much-publicised case last term; but he was instructed for his forensic skills, not any adherence to the Church's beliefs. Michael Beloff, QC, (co-writer of this piece) opposed him for the Secretary of State; each might have taken the other's role; neither would for a second have declined to act.

The real story would be if (which is unthinkable) Ms Booth succumbed to pressure and refused to appear for convict or Conservative council. She should be allowed to continue unharassed with her practice. Her critics should be grateful that the profession which she adorns is faithful to the rule which she applies. Some principles are more important than partisan political points.

Getting into a feather bed with Labour

Tony Blair is wooing the lawyers and putting their minds at rest, says Edward Fennell

With electioneering now begun in earnest, City lawyers are preparing for a change in administration. Richard Price, a partner with McKenna & Co, confessed: "If we're honest about it we're all expecting a Labour government."

No politically sensitive issue is of greater concern to lawyers than the Private Finance Initiative (PFI), which has generated lucrative fees for solicitors when the private sector is asked to bid for public service contracts. Although it got off to a couple of false starts, lawyers are now seeing a steady stream of PFI work. They are keen to know whether this will continue under Labour.

So far they have not been disappointed. Alistair Darling, the Shadow Treasury minister, is currently meeting City lawyers and seems to be whispering reassuring words. One lawyer who lunched with Mr Darling last week said that, with a couple of exceptions, there would be no significant change. Jerome Misso of Everheds says: "There may be a certain amount of rebranding, but the essentials will remain the same."

The attraction of PFI is that it brings work from both the public sector and from potential contractors. The leading law firms are trying to build up a track record with each. Berwin Leighton, for example, which has 19 lawyers in its PFI team and acts for the Treasury on Gogs (the Government offices in Great Smith Street), is also working for contractors bidding for substantial slices of NHS work.

Phil Bretherton, a partner, says: "It's important to understand the needs of both sides. We're close to the Private Finance Panel but also appreciate the priorities of the contractors."

In similar vein, Dibb

Lupton & Broomhead is about to second one of its senior lawyers to the PFI panel both to advise and to gain a better insight into the way the panel works. David Hickman, a partner, says: "We suggested it to the panel and they were delighted to take up the offer."

PFI work is a good example of the positive role that lawyers can play in helping to bridge the gap of understanding between government and the private sector.



Alistair Darling: reassuring words

In many respects it remains an immature market with the financial implications in need of much refinement.

One feature of this is the depth of resentment among contractors, particularly in the construction sector, at the expense involved in bidding for projects. Their lawyers are now being asked to take on some of the risk.

Mr Hickman says: "One of the features of PFI work is that the lawyers are being brought in by bidders at a much earlier stage. This has its ups and downs. Because a contractor may have to

spend up to £200,000 in preparing his bid, the lawyers are being asked to share in some of the burden."

So while the pickings from a successful PFI bid can be very rich indeed, the lawyers may gain meagre (if any) fees from those which fail.

This is making the top lawyers very circumspect in whom they act for. McKenna's, for example, has expertise in construction and has developed a strong record of work for the Department of Transport. This has made it an attractive adviser to bidders for new road projects.

In one case recently the firm was approached by four of the prospective consortiums. McKenna's partners had to weigh up the decision very carefully. Richard Price says: "There is an enormous amount of risk involved. To go with the wrong bidder could lead to a substantial loss."

Success in PFI work demands an array of expertise, experience and resources. Everheds and Dibbs, both leading national firms, feel that their combination of City teams and network of regional offices has positioned them well to attract work from NHS trusts, universities and so on.

But when Dibbs was awarded the work by the Benefits Agency for contracting out the National Insurance record system it was on the basis of its acknowledged strength in the information technology field.

Some specialisms, however, may die an early death. McKenna's is exceptional in its work for the prison sector (it acted for the successful Securicor consortium), but Mr Price suspects this may count for little in 18 months' time. "Prisons may be dropped by Labour from PFI," he says, "as just too loaded politically."

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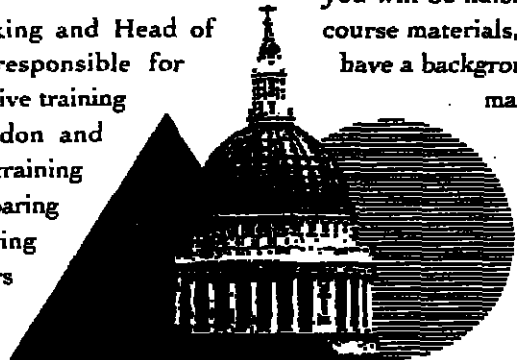
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■ VISUAL ART 1

Our daily guide to Cézanne ends with a discussion of perhaps his greatest painting: *The Large Bathers*



■ VISUAL ART 2

... and a comparison of that stupendous masterpiece with contemporary work by Picasso

THE TIMES
ARTS

■ VISUAL ART 3

The American Tony Oursler exerts the mesmeric charm of illusion at his Lisson show



■ VISUAL ART 4

'Don't come in my gallery until you have something to say,' Julian Spalding warns the avant-garde

Richard Cork chooses Cézanne's final masterpiece to conclude his survey of the Tate's show

Bathed in a valedictory glow

Hang alone on the final wall of the Tate exhibition is Cézanne's last and finest version of *The Large Bathers*. Nobody knows for certain, but he probably painted this climactic canvas in the year of his death. The ailing artist must have been hard-pressed to execute so much of it during the months before he died in October 1906. But I cannot lament Cézanne's inability to complete a picture he may have regarded as his valediction. The lack of finish adds to the painting's marvellous zest.

If he had been granted more time, Cézanne might have buried this vivacity under layers of troubled reworking. After all, another version of *The Large Bathers* hangs near by as a reminder of the labour he was prepared to expend on the subject. Lent by the National Gallery in London, this smaller canvas is a formidable achievement. But when set beside the final version it looks burdened with the prolonged effort Cézanne devoted to it.

He probably worked on it for 11 arduous years. And the London version is undoubtedly more resolved than the third version (now in the Barnes Foundation collection in Pennsylvania). Anyone fortunate enough to have seen the Barnes *Large Bathers* will realise that it is a pictorial battleground. Scarred with ruthless revisions, it testifies to the dissatisfaction which made Cézanne such an anxious artist.

The London painting seems, by comparison, almost serene. But Cézanne must have realised, when he stopped work on the London *Bathers* in 1905, that he could surpass it. He was right: the last version amounts to a remarkable victory over the obstacles which Cézanne created when he embarked on the *Large Bathers* series in the 1890s. While convinced that the female nude should be the focus of the masterpiece he wanted to produce, this inhibited man could not bring himself to work from posed models. Since adolescence he had suffered from a chronic fear of women, and the idea of scrutinising naked females terrified him. Ambroise Vollard, his dealer, recalled that Cézanne "made an exception only for a female servant... an old creature with a rough-hewn face of whom he remarked admiringly to Zola: 'One would say she's a man!'"

Hence the conspicuous befriend of the bathers themselves. Even when he contents himself with a few forceful contours, Cézanne retains the ability to construct women of Amazonian proportions. Look at the kneeling bather on the far right, jutting immense shoulders forward like a female weight-lifter.

Not all the women assembled here have such doughy physiques. The figure sketched so concisely behind



In their pastoral idyll, Cézanne's bathers seem fulfilled: the work of an old man who is reconciled at last with the women he painted.

the weight-lifter seems more slender and agile as she darts away from the rest of the group. Cézanne balances her vanishing back with a frontal view of a woman on the far left, even more lightly defined. But the slimmest forms are reserved for the two women who turn away and gaze at the water beyond. They lean forward like divers braced for a plunge.

Their presence is echoed by two other figures on the opposite bank. Cézanne has left the canvas empty where their faces should be, and the luminosity of these unfinished heads gleams like a beacon through the intervening haze. They appear to be staring at the solitary woman in the river. They may be envying her, for this swimmer seems lost in the pleasures of the water. And just

P. Cézanne

above her body, the extended hand of a woman in the foreground hovers protectively over her.

This unexpected gesture possesses the gravity of a baptismal blessing. It provides a key to the mood of the painting, for Cézanne has positioned his sculptural figures at the base of an aspiring arch formed by the tall trees. Here is the area where he departs most audaciously from the two earlier versions, which sliced off

the trees before they had a chance to display their true height.

Now, by contrast, the elongated trunks thrust heavenwards like vaulting in a cathedral nave. They move towards the pyramidal form which excited Cézanne so much in the Mont Sainte-Victoire. And the two principal women adopt poses that mirror the direction of the trunks behind them.

These women and their companions remain the most commanding elements in the picture. That is why Picasso learnt so much from their simplified and distorted bodies when he painted *Les Femmes d'Alger* a year later, renouncing the sweetness of his own previous work. By flouting perspective even more than Cézanne, and drawing on the

inspiration of African mask carvings, Picasso prepared the way for the far greater heresies of Cubism. He makes Cézanne seem profoundly attached to tradition.

Moreover, the aggressively angular women in *Les Femmes d'Alger* are prostitutes. Their disillusioned urban harshness is utterly at variance with Cézanne's wholesome figures. Rejoicing in their pastoral idyll, his bathers seem serene and fulfilled. They are the work of an old man who, having begun his *Large Bathers* sequence in a state of extreme agitation, ended it by reconciling himself at last with the women he painted.

● Cézanne is at the Tate Gallery until April 28, sponsored by Ernst & Young. For catalogue booking, which is advised, telephone 0171-420 0000.

Fat ladies yes, dead sheep no

Julian Spalding's new Glasgow gallery will have space for Beryl Cook, but none for Damien Hirst

No self-respecting art gallery can be launched these days without a healthy dose of controversy. Glasgow's £7 million Gallery of Modern Art, due to open next month, is no exception. Its director, Julian Spalding, has denounced the "dictatorship of taste" that governs the art world today, and declared himself firmly on the side of art as entertainment. He prefers the jolly, fat ladies of Beryl Cook to the formaldehyde sheep of Damien Hirst, and will exclude from his gallery a clutch of young Scottish artists who have been widely praised.

Spalding's remarks set him at odds with most gurus of modernism. He is unrepentant. "I am very critical of modern art galleries at the moment," he says. "I see the same 50 artists everywhere."

As he ticks off the words — "serious", "important", "objective", "impartial", "dispassionate" — he proves the spectre of Nicholas Serota, director of the Tate, hovers in the air. Spalding waves it aside. "When you are looking at a wonderful picture, you don't say, 'that's important', you say 'I love it'. Art is about people and about communicating with other people. A lot of modern art is presented as if it has been validated by a priesthood which pronounces on it, then vanishes into obscurity. You never hear them coming out and simply saying 'I love it'."

The problem with this line of argument — although it will certainly strike a chord among some disillusioned art-lovers — is that it seems to set its face against innovation, the dangerous territory where art experiments rather than panders to popular taste. Spalding's remarks about Beryl Cook, whom he admires, or even David Shepherd, whose paintings of elephants he likes (though they will not be in his collection), have led critics to fear that the new gallery will be relentlessly middle-brow. Spalding rejects this.

"I like Beryl Cook. But I am also interested in art that catches a wider imagination. Other curators are tied to the apron-strings of the art market and the art economy. It's introspective and limited. A few names are ruthlessly exploited, then dumped. I'm saying there are millions of other people expressing their selves visually, that is the art of our times. You can't get it just on conceptual art."

The new gallery is constructed on four floors, each dedicated to one of the ancient elements — from fire in the basement, through earth and water, to air at the top. It will have an eclectic collection ranging from the art of Soviet modernism. He is unrepentant. "I am very critical of modern art galleries at the moment," he says. "I see the same 50 artists everywhere."

'The art market is limited. Only a few names are exploited'

tish painters such as John Bellamy, Keg Currie and Peter Howson to watercolours of butterflies by David Measures.

There will be interactive and computer art, and enough abstract art to satisfy sceptical critics that this is not simply a temple to some pre-modernist era.

But there will no space for Damien Hirst. Nor will we see the work of young Scottish artists such as Christine Borland, Calum Innes, Julie Roberts, Douglas Gordon or Kerry Stuart, who have attracted international attention. One of them, Innes, was short-listed for the Turner Prize, and most have been selected for the latest British Art Show which opens at the Modern Art Gallery in Edinburgh later this month. Ironically, *Prize* magazine, bible of the avant-garde world, said recently that the group had helped to kill Glasgow on the cultural map.

Spalding, who was brought up on a south London council estate, remains unconvinced. "At the moment I don't know where they're going, what they're saying," he says. "I'm interested in art that shows development. Too much modern art feels that it has to shock to be new."

MAGNUS LINKLATER

AROUND THE GALLERIES

A number of Paul Feiler's more recent paintings hang opposite a selection of drawings and paintings from the 1940s, 1950s and 1960s in a special display at the Tate St Ives. These recent paintings hang close to each other, punctuating the visitor's circular progress through the galleries. Collectively they create a disturbing retinal effect, like a sudden shift of focus, as if a contact lens has fallen out. The paintings consist of a fine build-up of gradations of shallow thin bands of changing and shifting colour. Instead of being dry geometric exercises, however, they oscillate between creating a disengaged grey mass and pinpointing the sharp quality of light particles in a natural atmosphere.

Tate St Ives, St Ives, Cornwall (01736 796226) until April 21

□ Daphne Wright has moulded and wrapped objects with aluminium foil for her current exhibition. The gallery is transformed into a sparse and scrubby metal forest of trees festooned with elongated mannered pears hanging in clumps. Wright tries to keep close to the structures of nature; and yet the branches of the trees are unconvincing. Chunky thick volumetric sections of branch give way at the end to protruding bent wire. From a corner of the gallery comes the sound of a muffled male voice that mumbles something like "let me go" or "liquid gold" on a perpetual tape loop. Despite the intense lighting in the gallery, the piece is undramatic.

London Artforms, lower ground floor, 7-15 Rosebery Avenue London EC1 (0171-557 1900) until March 21

lights her work dramatically: spotlights shine down upon wax casts of parts of women's bodies. A cast, for instance, of the bones of a woman's foot after it has been bound shows crippling disfigurement. A ruptured breast implant on a torso shows a kind of negative or imploding space. Many of the most terrible things done now and in the past to women's bodies are listed and illustrated here. Each piece is shown in the kind of antique display used in medical school before the advent of computer imaging. The text that accompanies the show is informative, but the form that the images themselves take is ultimately not as upsetting as the facts they portray.

Laurent Delage Gallery 22 Barrett Street, St Christopher's Place, London W1 (0171-629 5005) until March 30

□ Lucy Wood's shining new trampoline with a great area of half-inch thick glass suspended from the frame provides an excellent conclusion to a well chosen show of work by eight people. Francis Carli's table with veneered legs and a worn and unfinished top explores the line between the real and the constructed. Nicholas May's cloudy, dusty, mooncratered palatines look good in this thoughtful three-dimensional company. David Foster's paintings consist of dense paper cast in shallow relief suspended and framed within a background mesh, while Kate Davis uses video screen, metal and a blue painted glass surfboard to provide clues which are then scrambled in a bid to make sense out of form.

The Tannery, 57 Bermondsey Street London SE1 (0171-394 0545/ 0171-234 0587) until March 3

SACHA CRADDOCK

Michael Archer reviews a disturbing yet entertaining American artist

A word from our dummies

A naked woman hurls herself at a wall. The implacability with which it resists this onslaught is painful and absolute. But, as the woman can see, the wall is made of flowers. It should yield to her, providing a soft, fragrant embrace. So she throws herself again and again, only to be rebuffed each time.

We, the spectators, can understand the whole tragic conceit. The wall is a gallery screen covered in paper flowers onto which the video image of the woman is endlessly projected.

Visitors to the Lisson Gallery have to step round *Flower Wall* in order to gain access to the main body of American artist Tony Oursler's exhibition. His art exerts the mesmeric charm of illusion. It also conducts a thoughtful enquiry into one of the most richly productive sources of illusion itself: the images and messages of the communications media.

Oursler, inspired by the constant mutterings of the homeless inhabitants of his Lower Manhattan neighbourhood, makes effigies and dummies that render suspect the thin line between benign normality and unhinged psychosis. "Dummies" is his preferred word for these presences since it implies that they are not merely silent but stupid as well.

Disturbingly, though, they both speak and make a frightening kind of sense. Their bodies are garments held loosely in shape but unstuffed, while the padded white cloth bags that form their heads act as screens onto which videoed faces are projected. The effect is uncanny and it is hard to



Unsettling: one of the works in Tony Oursler's show

shake off the impression that they really are alive.

Oursler has made the Lisson Gallery a Babel of voices. They are insistent and menacing: perfectly audible, but never loud enough to drown out their neighbors. The woman in *Inversion*, for instance, knits her brow and is worried about "going up" too far and too fast. An upside down man, his feet resting on the ceiling, has his head close to the woman's and mouths silently in response to her panicky protest. It is an intimate conversation with a private demon, albeit one that is unsettling for those forced to witness it.

All this might be rather intense and serious were it not for the fact that Oursler's work, like the media it comments upon, is endlessly entertaining. His scripts are tightly written and, when not downright funny, at the very least wry and well-observed.

Upstairs, for instance, in a scenario that is far more Steve Martin than Damien Hirst,

the contents of two specimen jars talk to one another. A large (female) heart and a small (male) brain argue about how best to understand the world. Clearly there can be no agreement, no meeting of minds. A conjoiner set of standards cannot be established between the emotional and rational views put forward by the two protagonists.

In fact, the two organs are not conversing with one another. They are each in dialogue with another character who is off mic, and there is thus a gap in the apparent conversation into which the spectator can slip. How this could happen is illustrated near by where a small dummy props up one corner of a TV with its head.

Television pumps out the comforting pabulum of daytime TV while its diminutive support talks incessantly at and with it in a variety of voices. The film, *City/Country (Window)*, is projected onto a screen shaped like the train window from which it was shot.

Like the unending stream issuing from *Television*, the rhythmic sound of the train sets a persistent pulse that throws the idiosyncrasies of the dummies, and of the onlookers, into syncope relief.

● Tony Oursler is at the Lisson Gallery, 52-54 Bell Street, London NW1 (0171-724 2799) until February 24

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FILM

On a roll: the Martin Scorsese roadshow hits London with a view to making a killing on *Casino*



RADIO

Radio 4 premieres one final, typically bizarre play by the irrepressible Mel Calman

THE TIMES ARTS



MUSIC

Hear it once, hear it twice: Jonathan Harvey's new work is given an immediate reprise at St John's



TOMORROW

How I became the new screen Iago: Kenneth Branagh talks about the Bard, acting and fatal jealousy

You talkin' to him - or at him?

Some film directors, pressed into criss-crossing the world to plug their latest movie, find that when they reach Rome or Rio they have an interview schedule as busy as Butlin's in November. But there is never a shortage of people keen to schmooze with Martin Scorsese.

And there's only so much time available for him to do it in. The result is an A-list of profile writers granted quality time with him, one-on-one and no holds barred. The rest have to queue.

And do lots of homework. Before you meet Scorsese, maker of *Taxi Driver*, *Mean Streets* and *Cape Fear*, you have to read the production notes, and watch videotapes of the several interviews and press conferences that Scorsese has already given in various cities about his new film, *Casino*. The film, which traces the Mafia's move into Las Vegas, stars Robert De Niro and Sharon Stone. It's a truism story: only the Mafia have been changed, to protect the guilty and a bevy of mobsters on the FBI's witness protection programme.

So, by the time you finally meet Scorsese, there is little you don't already know about him or his movie, apart from how much navel fluff he accumulates. But that doesn't stop dozens of journalists from all over Europe gathering in London's Dorchester Hotel, patiently sipping coffee and waiting to be fumelled in and out of his suite.

At last, it's your turn. But just as you are about to enter Marty's suite, along with five other European hacks, all you are wondering is this: if I were Bob De Niro - nobody calls him "Robert", because that implies you don't josh with him most nights over a beer at New York's Bowery Bar - how would I approach this interview? How would I get into the part of inquisitor, because well, Bob and Marty have, like, a rapport?

And you are asking yourself this because Scorsese is the sort of movie person who attracts not reporters, but film buffs. For these people, waiting with their tape-

Joe Joseph sits in as film buffs try to impress Martin Scorsese at his own press conference

at-a-time batches, this is not an interview, this is an audience with one of cinema's cleverest, most mesmerising, most controversial directors.

And when the five of you are finally ushered into the room and led to Scorsese and he says hello, howdyadoo, hello, hi, all you're wondering is when will some overzealous member of your party say: "You talkin' to me?" - just to show they have seen *Taxi Driver* and that they love Marty and Bob.

But they don't, because they are looking in awe at his neat grey flannels, at his black shirt and his navy jacket, and watching him fiddle restlessly with what looks like a wellworn blackjack chip, and what they're thinking is: "Jeez, he's shorter than I imagined. Much."

But, having restrained themselves, they then ask questions to which even Scorsese's devoted mother would not be interested in knowing the answers, crucial things, like, did he change the carpets in the Vegas casino they used as a film set? Did he get enough sleep during the shooting? Who got to keep the suit de Niro wore in this scene or that?

This information is not for publication, because nobody would be interested - except maybe, a fanzine. But they ask all the same. You will often hear journalists actually tuckering with bemused film directors about what their "movie really means" - especially if it's someone like Quentin Tarantino.

"You used music sometimes, or very often, in an ironical way," someone tells Scorsese. "Was that

in your head, right from the beginning?" Scorsese's face is saying "What?", but his mouth politely replies: "In many ways."

Then someone says: "Would you reckon that *Casino* is a violent movie? I'm from Sweden," and everyone wonders if he's actually from another galaxy because *Casino* is so gruesome in parts that it's best not to eat beforehand: and you won't want to eat afterwards. It may be the first diet movie.

But at least it gives Scorsese a chance to get excited. Scorsese gets excited when he's talking about Mafia violence - which he abhors, but feels he has a duty to portray authentically.

"All the violence is accurately depicted," he jabs, leaning forward, furiously flipping his black-jack chip, "to the point of even having technical advisers there - police, ex-hitmen - saying 'Oh yeah, he'd come this way, you'd put the gun here,'" (Scorsese points two fingers under the back of his skull), "this way, three shots with a 22 in the back of the head, the bullet goes around the brain, it doesn't go out of the head 'cos it's small, but it stays in to scramble the brain, and then when he hits the ground you hit five more in his head. Silence, please. You put a silencer on. You have to do that."

Sweden, apparently, aren't convinced you do. The rest of the interviewers grin serenely, as if Moses just recited the Ten Commandments.

"Doesn't it make you sad," says the Teutonic journalist who had noticed Scorsese's ironical way with music, and who was now distraught that anyone had the gall to criticise Scorsese's violence quota, "when they just pick these little scenes and you do the whole frank and provocative movie on an intellectual level or on a morality kind of level, doesn't it make you sad that they just pick out these, you know, on the surface morality?"

You could tell from the way Scorsese looked that he was. You could tell.

● Casino opens in Britain next week



"You used music in an ironical way," someone tells Martin Scorsese. "Was that in your head from the beginning?" Scorsese's face is saying "What?", but his mouth politely replies: "In many ways"

CONCERT

Twice bitten

Sinfonia 21/Brabbins St John's

AS THE "composer in association" for three years with the chamber orchestra Sinfonia 21, Jonathan Harvey had the benefit of hearing his new *Hidden Voice*, commissioned by the orchestra, twice in one concert. Its premiere opened the programme and, after a brief question-and-answer between the composer and the conductor, Martyn Brabbins, the novelty was instantly repeated.

If this is a continuing option offered by the orchestra in a debate with its audience about the presentation of new music, I am all for it. With a short work (less than seven minutes in this instance), one's ears are opened and ready to absorb more detail from the second performance, which attractively highlighted what amounts to an conversation-piece, the eponymous "hidden voice" that of a muted violin, viola and cello heard in relation to the other instruments.

Textures thereby set up impinged more directly when they were repeated, focusing attention on the delicacy of string writing in contrast to a more ritual sounding of brass and tubular bells. Otherwise Brabbins conducted convincing performances that seemed to meet with the composer's approval, and added another novelty: the *Sketch No 2, EBB* from the juvenilia of Benjamin Britten.

Its first public performance here followed a broadcast of several works from Britten's teenage years. This one was composed when he was 17. His own initials in the title suggest a self-portrait as the viola player he once was, through the expressive association of solo viola (warmly played by Martyn Outram) with the string ensemble.

For the rest, Piers Lane was a deft and scintillating soloist in the Shostakovich Piano Concerto No 2, but Ravel's *Ma Mère l'Oye* found its requisite balance of content and enchanted character only in the later movements.

NOEL GOODWIN

Ned Chaillet on how Times man Mel Calman's last play made it to radio

Late show for a free thinker

Audacious, I said to Mel Calman. "Funny and audacious, and I don't know where Radio 4 can put it." Mel's new play was on my desk at BBC Radio Drama, and one of the leading roles was written for a talking penis.

Mel had previously written plays about a man who woke up one morning to discover he had grown rabbit ears, about a pawnshop debate between a talking seahorse and a ventriloquist's doll and, exceptionally, memorable, a tragicomedy about the death of a rum baba (played by Richard Griffiths).

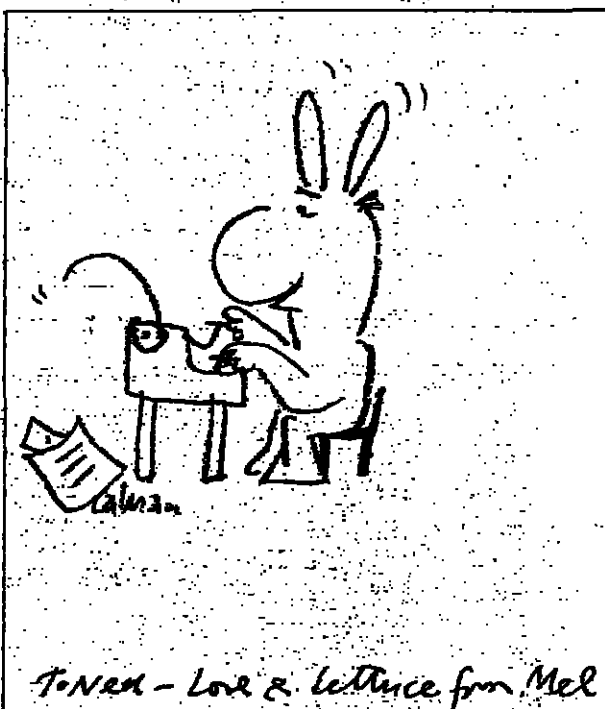
As quirky as his cartoons for the front page of *The Times* and his books, Mel's plays for radio revelled in the freedom of the imagination. Why shouldn't a pastry shelf in a Soho teashop - the model was Patisserie Valerie, where we did a lot of research - be stocked with a tightly French éclair, a philosophical strudel and an irritable rum baba, reluctantly drying out?

And why shouldn't their fate be in the hands of a dithering would-be adulterous couple randomly selecting cakes as they endlessly postpone consummation? That play, *Sweet Tooth*, struck a popular chord from the day of its original Radio 3 transmission, and has been heard around the world. The morning after the first broadcast I received a call from The Netherlands asking for the script, the name of Mel's agent and the rights (the Dutch apparently having their own sweet tooth for comedies of love and death).

When it went out later on Radio 4, we got a cheerful letter from the author Len Deighton asking for more of Mel's plays to be broadcast on Radio 4, so they could be heard even further afield in Europe.

Heartache was the name of the new play, and it was meant to be Radio 4, but now there was the talking penis to consider. And the regular drama slots on daytime radio. And the regular audience.

Mel told me he had written the role for David de Keyser, and that when I offered it to



him I should reassure him: "It is a big part." We fixed a time to meet for lunch on a Tuesday early in February, 1994. On the preceding Friday, I woke to hear, on Radio 4, the news that Mel had died of a heart attack. He had been in the Empire Cinema in Leicester Square with his partner of ten years, Deborah Moggach.

Her later account in *The Times* of the drama of the closing of the cinema, the clearing of Leicester Square, of his ambulance and the journey to the hospital, would have appealed to Mel's sense of theatre, and of comedy, inextricably linked.

I spoke to Deborah twice over the next couple of days, and re-read the play several times. It had everything except an ending. Harshly, ironically, it was about the body parts of a man who goes into hospital after a heart attack.

The warring interests of the different body parts made a heart attack inevitable. Mel had himself had a heart attack, and had banished smoking and heavy drinking from his life, drawing wonderful cartoons in support of a sensible life.

Although I had worked with Mel on all of his previous plays, no one knew him better than Deborah. If the play was to be finished, the person to find the concluding scene was the woman who was with him when he died. She agreed to finish *Heartache* and Michael Green, the Controller of Radio 4, said he would find a place for it. Which brought us back to talking penises and tea-time audiences on network radio.

When he turned to radio, Mel had put aside the well-made plays he had taught himself to write. A great fan of the theatre, he had written a play that was immaculately constructed, witty, sophisticated and knowingly cynical about adulterous couples.

We had worked together on *The Times*, with, on occasion, Mel drawing extremely funny illustrations that reflected our adventures at the Edinburgh Festival. When I arrived in radio, I suggested that he ignored the well-constructed play and create radio cartoons, like his cartoon book, *The Big Novel*. Eventually we did *The Big Novel* for radio.

Ever after the first play, Mel wrote for actors he loved: the Rum Baba for Griffiths, the Rabbit Man for Jim Broadbent, parts for Melinda Walker, Meg Davies, and - with music from his friend Ronnie Scott - *Pawnshop Blues*, another play for Griffiths.

Mel was the sort of man who would lead his daughters around an art exhibition backwards in order to avoid the queues going forward. His plays are like that. And, it must be admitted, not every audience relishes a cartoonist's spin on experience. But letters about his plays have never stopped coming in.

Heartache has finally happened because Radio 4 found room at night for the play, and because Deborah Moggach knew how to end the play, when real emotion and comedy would come together with Mel's broad comic strokes.

I will never stop missing moments with Mel: at a hotel breakfast in Edinburgh during the Books Festival where he and Deborah were being celebrated; at the Groucho Club where we plotted new plays; at the Garrick Club, or in his Cartoon Gallery with Ian Hislop leaping on top of Mel's desk to applaud an exhibition of *Private Eye* cartoons. The front page of *The Times* has never been the same for me without him.

But bringing his final work to radio is another kind of joy. Completed by Deborah, with Meg Davies taking the part written for her as the ex-wife, it also provides the moments where four of his favourite actors come on as the body parts.

True to Mel's intent, the Penis was offered to David de Keyser as a "big part"; his agent confirmed that he would rise to the occasion, and, yes, he plays it circumscribed.

What Mel would have heard, as the play materialises on Radio 4, is Charlotte Green announcing: "Richard Griffiths as the Brain, Lee Montague as the Heart, Jim Broadbent as the Stomach, and David de Keyser as the Penis." Audacious, yes.

● The author is producer of *Heartache*, which will be broadcast on Radio 4 at 11pm on Thursday

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Cool customer arrives on the Formula One scene determined to lead the parade

Villeneuve will not settle for second best

FROM OLIVER HOLT IN ESTORIL

THERE is a hulk, a brief moment of uncertainty, when Jacques Villeneuve saunters into the garage. A small group is waiting to talk to him, unsure of where to stand. So he starts clicking his fingers, rock and roll style, signalling he wants to move things along. Somebody else tries to usher him out into the sun but he wanders further into the shade.

Villeneuve is a cool customer. His laid-back North American manner is spiced with French-Canadian piquancy. He is sharp, concise, speaks English and Italian fluently and avoids the public relations patter that turns so many drivers into champions of the platitude. When the group gathers round, he faces each questioner in turn, gazing up at them through his round, metal-rimmed glasses.

His Williams-Renault team-mate, Damon Hill, may be the favourite for the Formula One motor racing world drivers' championship this year, but Villeneuve made it clear at the launch of the team's new car here yesterday that he has not forsaken a winning drive in the IndyCar series he won so convincingly last season to come second to anybody—even in his first year in Formula One.

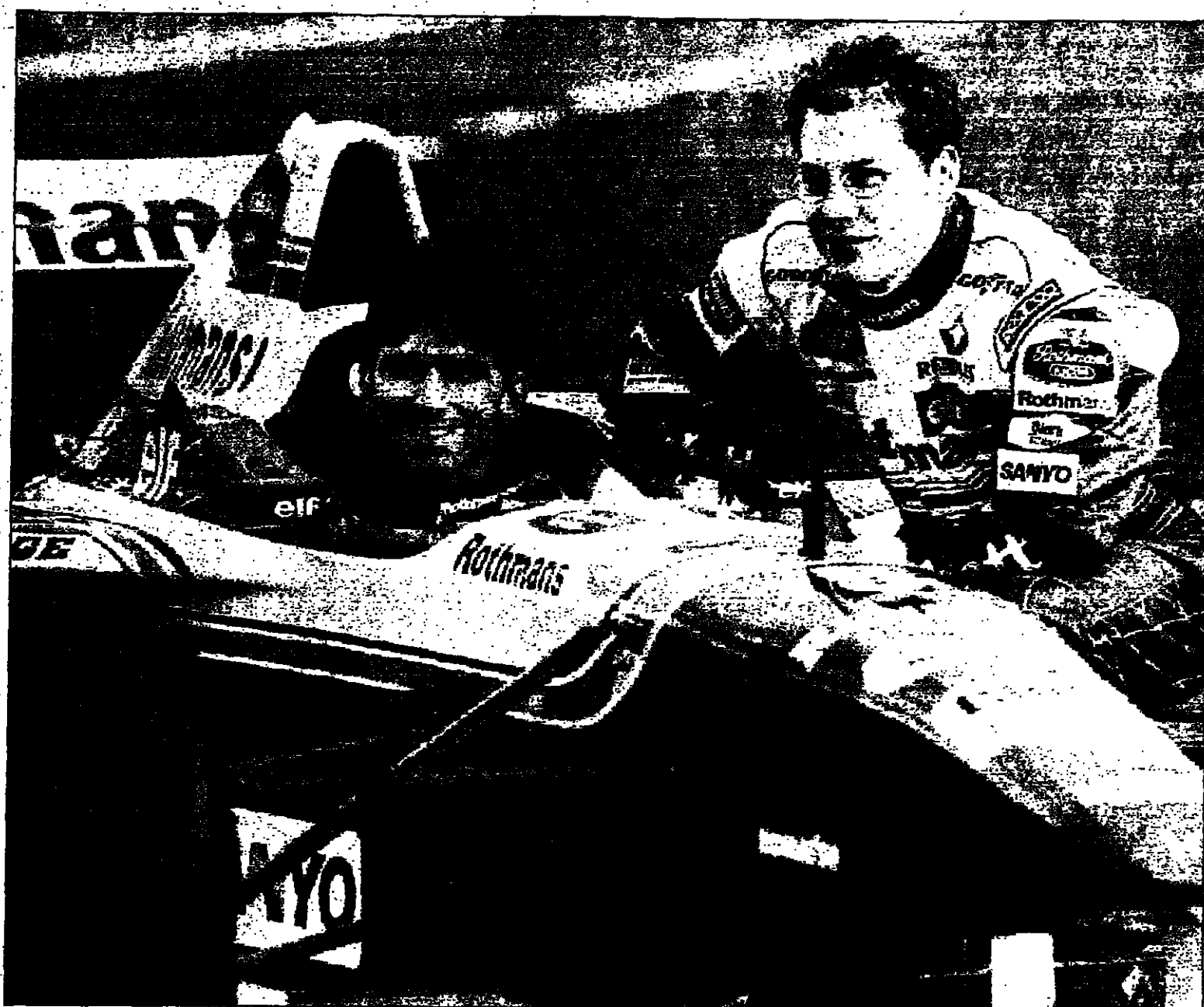
"We are each going to do our best," Villeneuve, 24, said. "We are not there to help the other one. There is no reason not to have a straight fight. Even if you finish second in the championship but you are below your team-mate, then

after a few years, you are not worth anything. It is almost more important to beat your team-mate than anybody else. "Damon is beatable. Any one is beatable as far as I am concerned. If Williams had told me that they wanted me to come here to be No 2 to somebody, then I would have said 'no way'. I was happy in IndyCar, I was with a winning team. There would have been no point in coming here to be somebody's No 2."

"I am not going to be content to settle for second. Definitely, I am racing because I want to win. I always want to try to beat everybody. That is what is driving me. I know I have a lot to learn, but I am not coming to Formula One as some raw recruit from Formula 3000. I am coming as the IndyCar champion and the winner of the Indianapolis 500. It is a bit different."

Villeneuve, the son of the late Ferrari driver, Gilles Villeneuve, who was killed during practice for the Belgian Grand Prix at Zolder in 1982, has impressed the Williams team with his studied approach to testing since he joined them at the end of last season. There are no frills, no tantrums, just quiet application.

Frank Williams, the team owner, and Patrick Head, his technical director, like strong personalities that they do not have to mollycoddle, whose fragile egos they do not have to massage at every turn. Villeneuve seems to be their kind of



Villeneuve, right, poses with his team-mate, Hill, as the wraps are taken off their new Williams-Renault Formula One racing car in Estoril

guy, a man with a clear view of where he wants to go and a fierce determination to get there.

"I don't think Formula One is going to be any tougher than IndyCar," he said. "There is probably more wheel-to-wheel racing in the States because the teams and the cars are closer together. It is cleaner over there, too. From what I have seen on

television, the racing here is quite dirty.

"If that concerns me, it won't concern me for long. If somebody plays a stupid game with you, you have to play it back because otherwise they will do it over and over. I hope my reputation is for being hard but fair. I have never had a real problem wheel-banging with anyone, but if you have to do it, you have to do it."

There seems little chance of him turning into another Michael Andretti, the IndyCar champion who arrived in Formula One in 1993 with a fine racing reputation and left prematurely and ignominiously, six months and just one podium position later, with his tail between his legs and the reputation of IndyCar drivers with Formula One team owners in tatters.

Andretti, though, picked a team — McLaren — that was fighting signs of decline and was given few testing opportunities to adapt to the lighter, nimble cars. Villeneuve has already clocked up 9,000 miles in testing at several circuits and will not commute back and forth to North America as Andretti did, living in an apartment in Monaco instead. "Michael Schumacher is

going to be tough," Villeneuve said as a parting shot. "And Damon will be quick. But I feel at home here already. It is not like I thought. There was supposed to be no life within the teams and the drivers were supposed to be robots. But that is not true. And if the others thought I was coming to cruise round in second, that is wrong, too. I am here to compete and to win."

Schuback leads the advance

BY GORDON ALLAN

IAN SCHUBACK and Kelvin Kerkow, of Australia, advanced to the quarter-finals of the Churchill Insurance world indoor pairs bowls championship with a 6-7, 7-3, 7-3, 7-5 win over the former Scottish two-bowl champions, David Slaven and John Jackson, at the Preston Guild Hall yesterday.

Schuback has won the title twice with different partners but Kerkow is new to the portable rink. Kerkow, 26, who will represent Australia in the world outdoor singles event in Adelaide next month, uses a walking stick as a result of a childhood illness similar to polio. After a tentative start, he contributed fully to the victory.

Slaven and Jackson, from East Kilbride, led 5-0 in the first set, with Schuback having to call on all his

experience to peg them back. The match was squared in the second set and Schuback abruptly ended the third with a take-out for four shots. The fourth set could have gone either way and the match ended, after three hours and 20 minutes, with a perfectly-drawn bowl from Schuback.

"Spoke — that's his [Kerkow's] nickname because of his crew-cut hairstyle — did pretty well in difficult circumstances. It was a new bowl game to him but for me it was like coming home. I just love this rink," Schuback said.

Kerkow added: "It was strange out there, with the spectators so close on both sides. I certainly needed the practice."

Schuback and Kerkow now meet Mark McMahon and Ian Taylor,

who completed a straight-sets victory over Lee Nixon and Adrian Welch, from the Channel Islands. Another pair from overseas, Rowan Brassey and Sid Giddy, of New Zealand, defeated Noel Graham and Ian McCure, the Irishmen, in a tight contest.

Kerkow has been drawn against Andy Thomson, the holder, in the singles later in the week and Schuback will play Ian Bond, the English national champion. Thomson will be trying to win the title for the third consecutive year, a feat that only David Bryant has accomplished. The prize-money has been increased this year with the pairs winners receiving £14,000 and the singles winner £27,000.

Results, page 40

Riley facing ban after drug test

BY CRAIG LOMB

SAMANTHA RILEY, the world champion at 100 and 200 metres breaststroke, short and long-course, could be suspended for two years after testing positive for a drug found in prescription headache pills.

A sample taken from Riley at the world short-course championships in Brazil in December, where she won her titles in world-record times, revealed traces of dextropropoxyphene, a narcotic analgesic that relieves pain and is on the International Olympic Committee's list of banned substances, though it does not enhance performance.

Numerous athletes have tested positive for the drug but Riley, 23, from Queensland, would be the first to be punished. According to Vena Murray, the executive director of

Australian Swimming Incorporated (ASI), Riley was given a prescription headache pill by Scott Volkner, her coach, after complaining of a headache two days before her race.

Officials from FINA, the international governing body, met in Berlin on Friday but have yet to come to a decision over Riley. Their dilemma is clear: should they follow their own guidance and impose a suspension of up to two years that would keep Riley out of the Olympics or be more lenient and court criticism from China, 19 of whose swimmers have tested positive and been suspended, all but one for steroids, since 1991? A suspension of more than five months, even retroactive, would effectively bar Riley from Atlanta, as she would miss the Australian trials.

Australia has been the most vociferous anti-drugs campaigner since the ascent of Chinese swimmers in the early 1990s. Mustapha Larfaoui, the president of FINA, was there last week and efforts were being made to persuade him to call for leniency. An Australian swimming source said: "I don't think it worked. Many here think Sam's going to be the scapegoat for Australia's hard line on drugs."

Volkner, the coach, said: "She would never take a performance-enhancing drug. It was a headache tablet and the drug in it would not have helped her performance."

Riley drew questions about drugs when she reduced the records in Brazil, taking the 100 metres to 1min 05.70sec, from 1:06.58, and the 200 metres to 2:20.85, from 2:21.99.

Delay may give edge to Andries

BY SRIKUMAR SEN
BOXING CORRESPONDENT

TERRY DUNSTAN, of Walsall, already holds a decision over Dennis Andries, but the chances of the 42-year-old former world light-heavyweight boxing champion beating Dunstan in their second encounter for the British cruiserweight title tonight at York Hall, Bethnal Green, should not be ruled out.

Not only has Andries proved the experts wrong in the past, but the postponement of the bout at the London Arena from Saturday to tonight because of the Docklands bombing, could also weigh in Andries's favour. Dunstan, who is believed to be struggling to make the cruiserweight limit, had to stay on a diet for another two days, while Andries, who has no weight problems, was able to relax over the weekend.

As the boxers had already weighed in on Saturday, John Morris, secretary of the British Boxing Board of Control, told them they would be excused a second weigh-in, provided everybody agreed. Andries insisted on the weigh-in being held again yesterday, however.

Brendan Ingle, the Sheffield trainer, and his welterweight, Kevin Saunders, escaped serious injury in the bombing on Friday. They were returning to the Britannia Hotel after the weigh-in at the Peacock Gym, Silvertown, when they were held up by a police roadblock. Seconds later the bomb went off. "The blast shook us like rag dolls," Ingle said.

Hendry creates new horizons

BY PHIL YATES

THERE is overwhelming evidence to support the claim that Stephen Hendry, who captured the Benson and Hedges Masters snooker title for the sixth time in eight years at Wembley Conference Centre on Sunday, is the finest player in the game's modern era.

Steve Davis has won the world championship on six occasions to Hendry's five and has prevailed in 70 tournaments compared with a portfolio of 58 triumphs by the Scot. Crucial to the argument, however, is that Davis turned professional in 1978, seven years before his rival.

Despite having such a head start, Davis trails Hendry in total career prize-money and has long been overtaken by the present world champion at the top of the list of century breaks in competition.

The 125 clearance fashioned by Hendry during his 10-5 victory over Ronnie O'Sullivan in the final of the Masters was his 33rd of the season and the 331st since he joined the professional ranks as a 16-



Hendry: dedicated

Such statistics cannot alone convey Hendry's dominance. O'Sullivan summed it up by saying: "There's no one like him. He's got tunnel vision. He's single-minded and he's in a different league when it comes to desire and dedication."

Hendry's 28th win in 30 matches at the Masters was achieved in textbook fashion. Partly, he outwitted O'Sullivan in the majority of tactical exchanges before fully exploiting the scoring chances that his superior safety shots created with breaks of 71, 77, 62, 87, 125, 80, 97.

"The general standard of play is getting better, but, by the same token, I'm getting better," Hendry, who has also prevailed at the Regal Scottish Masters, Skoda Grand Prix and United Kingdom Championship during the 1995-96 campaign, said. "Mind you, I have to improve because players are pressing hard."

RESULT: First 5 Hendry (50-14) v O'Sullivan (10-5). Final: Hendry (10-5) v O'Sullivan (10-5). 7-4, 6-4, 6-1, 7-1, 7-5, 7-1, 6-1, 6-2, 125-0, 125-0, 125-0, 125-0.

Panthers sink under goal flood

BY NORMAN DE MESQUITA

IT WAS a bad weekend for Nottingham Panthers in the British Ice Hockey League's premier division. After being beaten at home 7-5 by Newcastle Warriors, they then travelled to Cardiff Devils and were 6-0 down during the second period before managing a goal.

Devils went on to win 10-2, which kept them within a

point of Sheffield Steelers, who attracted a 5,000 crowd to Newcastle Arena but spoilt things for the home fans by winning a hard-fought contest 5-3, scoring three times in the third period.

The third period was crucial, too, for Basingstoke, who scored three goals during it to gain their first win in six games and extend Milton Keynes Kings' run to eight games without a win.

Humberdale Hawks had two players ejected during an 8-1 defeat by Fife Flyers, while Slough Jets remained bottom of the table after an 11-2 loss to Durham Wasps. There was another big crowd at the Nymex Arena in Manchester, more than 11,000 watching the Storm beat Swindon Wildcats 8-2, although Swindon led 2-0 after 12 minutes.

Results, page 40

TODAY'S FIXTURES

FOOTBALL

Kick-off 7.30 unless stated

FA Cup

Fourth round

Ipswich v Watford (7.45)

Fourth-round replays

Wimbledon v Middlesbrough (7.45)

Oxford Utd v Nottingham Forest (7.45)

Crewe v Southampton

English Insurance League

First division

Sheffield Utd v Millwall (7.45)

Second division

Blackpool v Swindon

Stockport v Wrexham

Bristol City v Shrewsbury (7.45)

Third division

Cambridge Utd v Fulham (7.45)

Gillingham v Barnet (7.45)

Lincoln v Hereford

Rochdale v Bury

Exeter v Mansfield (7.45)

Auto Windscreens Shield

Semi-finals

Northern Section

Rotherham v York

Southern Section

Peterborough v Bristol Rovers (7.45)

Vauxhall Conference

Dover v Woking (7.45)

Welling v Stevenage (7.45)

Maidenhead v Leyton (7.45)

Bett's Snooker League

Premier division

Motherwell v Aberdeen (7.45)

First division

Airdrie v Clydebank

St Johnstone v Dundee

Dunbarton v Hamilton

Second division

Forfar v Queen of South

Third division

Ross County v Livingston

Terns Scottish Cup

Third round

Greenock Morton v Montrose

Beazer Homes League: Premier division

Barnet v Rushden and Diamonds

Sheff Wed v Walsley (7.45), Millwall v Luton (7.45), Millwall v Luton (7.45)

Division: Buckingham Town v R.C. Walsley

Rushden v Peterborough, Southern division

Weymouth v Barnet, Peterborough v Weymouth

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AVON INSURANCE COMBINATION: Second division

Barnet v Rushden and Diamonds

Sheff Wed v Walsley (7.45), Millwall v Luton (7.45)

Division: Buckingham Town v R.C. Walsley

Rushden v Peterborough, Southern division

Weymouth v Barnet, Peterborough v Weymouth

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FOURTH ROUND: Bognor Regis v Bridge

Packaging

INTERFLUX EXPRESS MIDLAND FOOTBALL LEAGUE: Premier division

Barnet v Rushden and Diamonds

Sheff Wed v Walsley (7.45), Millwall v Luton (7.45)

Division: Buckingham Town v R.C. Walsley

Rushden v Peterborough, Southern division

Weymouth v Barnet, Peterborough v Weymouth

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Capriati steps back under the spotlight

Andrew Longmore looks at the surprise return of a one-time wonderkid resuming her love-hate relationship with tennis



All the right noises are being made about the unexpected return of Jennifer Capriati to tournament tennis in the Paris Open tonight, but not even the Olympic champion herself would like to predict whether she is ready to get back on the merry-go-round for good. Capriati is all of 19 years old now, with entries in the sporting record books and police files under her name and a highly-developed sense of cynicism that should serve her well if her professed new love affair with tennis is not to end in the same drug rehabilitation centre as the first.

In her first competitive match for 15 months, the American will play Sabine Appelmans, a left-hander from Belgium ranked No 26 in the world, whose surprise at the news of Capriati's return last week reflected the general disbelief of the players on the women's tour. Having played just one match since dropping her racket in a rubbish bin and retiring to bed for a week after defeat in the first round of the 1993 US Open, Capriati had become just another

outraged by the morality tale of the girl once dubbed the "most marketable American since Mimi Mose" and the next Chris Evert. Yesterday, Capriati practised with Anne Hobbs in the Stade de Pierre-Curie, a drop-kick away from the Parc des Princes, and, for all you could tell, beneath a baggy pair of track-suit bottoms, she looked fit and healthy. Huber suggested that time away had not taken the edge off the pace of those two-handed groundstrokes with which Capriati had announced her arrival at Boca Raton a month before her fourteenth birthday, in March 1990.

Only the continued presence of her burly, bullying father, Stefano, supposedly one of the causes for Capriati's initial disillusionment, has raised questions about the strength of the commitment. The relationship between the two is said to be stronger than it has been since the break-up of the Capriatis' tempestuous marriage last year. Jennifer moved out of the home of her mother, Denise, last September and back in with her father, a prelude to



'Only when her pudgy face appeared on front pages did people see the damage'

starting serious training for a return to the circuit. As yet, Stefano has not let his daughter speak for herself, which is not promising — she will do so after her match tonight — but he confirms that she has been training hard for the past four months back in Florida and is looking forward to playing again.

"She feels good about herself again," he said. "I don't see it as a career, in any way. Sometimes, in all jobs, you stop work for a time and then start again. That's what has happened to Jennifer. It's not important whether she wins or loses. She is just trying to do well."

That women's tennis desperately needs Capriati back in the top rank is beyond question. During her 3½ years on tour, she became the youngest player, at 14, to reach a grand-slam semi-final, in Paris in 1990, and was one of the few able to match the groundstroke power of Seles and Graf. Above all, her bubbling, infectious personality brought a hint of colour and enjoyment to a game dominated by the sterner features of Steffi Graf and

Marina Navratilova. The Women's Tennis Association even bent the rules to allow Capriati to make her debut in the month of her fourteenth birthday rather than after it.

Capriati's victory over the nine-times Wimbledon champion on the Centre Court seemed to mark the changing of an era, but only when a pudgy face with a nose ring appeared on the front pages of most newspapers the morning after Capriati's arrest in a rundown Florida motel for possession of marijuana a year later did anyone fully understand what damage the



Capriati in happier times in 1992, when she struck Olympic gold and was the darling of Wimbledon

incessant demands of parents, sponsors, media and spectators could do to a tender psyche. Almost overnight, Capriati slid from being a multi-millionaire, a member of the coveted Forbes Top 40 earners, to just another wasted teenager and her one-match return, in the autumn of 1994 in Philadelphia, confirmed the general belief that Capriati's time had come and gone.

The prospect of defending her Olympic title in Atlanta in the summer may have prompted Capriati's return. Maybe she has finally found how much she does

love the game. Maybe she needs the money. Nobody knows whether this will be another one-night stand or a more permanent affair. The players hope the latter.

"Jennifer coming back is good for the game," Appelmans said. "She is another big name and we need all the publicity we can get." Capriati, of course, needs as little as she can get, at least until she finds her feet on the court again and really decides whether this will be her life once more. "We don't expect anything," said Stefano. Nor, this time, should anyone else.

— just look at the effort needed to maintain that."

Consistency on that level is something which has always eluded Goran Ivanisevic, the fourth seed in Dubai. He let his nerves get the better of him and he faltered slightly at the start of the second set against Jordi Burillo, from Spain, before reaching the second round 6-3, 6-4. However, he still admires such a virtue in others. "Muster had to win 12 tournaments and seven in a row, it doesn't matter if they are all on clay," he said. "He proved he is an unbelievable fighter. He deserves to be No 1."

Results, page 40

Muster defends his right to head world rankings



Muster surprised at criticism

FROM ALIX RAMSAY IN DUBAI

THERE are few things that can stop Thomas Muster getting what he wants on a tennis court. The weather in Johannesburg may have slowed him a little as he began his reign as world No 1 — Muster spent yesterday in South Africa finishing off a Davis Cup tie when he should have been heading for the Dubai Open — but the Muster bandwagon was stopping for nobody.

Certainly the recent outbursts by Pete Sampras and Andre Agassi, belittling the Austrian's claim to the top spot in the rankings for winning all but one of his 12

tournament titles in 1995 on clay, were not going to take the shine off his achievement. Muster, always combative on court, was not going to take such criticism lightly.

"I am a little bit surprised because I think Andre and Pete are real champions," he said, "and they know what it is to be No 1. I did not buy my points in the supermarket and I did not cheat anybody for them. I don't think it is necessary for them to make this comment — I give them respect and they should give me respect."

Neither Sampras nor Agassi were expecting Muster to break their cosy little rivalry for pole position. They shared

three of the four grand-slam crowns last year, but while they took the limelight, Muster dominated the early part of the year with a 40-match winning streak on the European clay courts, a run which took him to the French Open title. That laid the groundwork for his rise to the top, but it has irked the Americans.

The rules state that only the best 14 results of the year count towards a player's ranking, while early-round losses can be discarded. While Sampras and Agassi seem to begrudge Muster his achievements on clay, they have achieved the majority of their successes on hard courts and grass.

"All I can say is that I have won more matches on hard courts than Pete and Andre have on clay," Muster said. "But last year I won the biggest indoor event in Essen and reached the semi-finals at the Australian Open so I am not what you could consider as a real clay-court specialist."

The two former world No 1s who lie in wait for Muster in Dubai, Stefan Edberg and Jim Courier, preferred to raise questions over the ranking system rather than the Austrian's achievement. "There have to be questions about any system that doesn't penalise players for doing poorly in a tournament," Courier said. "But what a 52 weeks he's had

— just look at the effort needed to maintain that."

Consistency on that level is something which has always eluded Goran Ivanisevic, the fourth seed in Dubai. He let his nerves get the better of him and he faltered slightly at the start of the second set against Jordi Burillo, from Spain, before reaching the second round 6-3, 6-4. However, he still admires such a virtue in others. "Muster had to win 12 tournaments and seven in a row, it doesn't matter if they are all on clay," he said. "He proved he is an unbelievable fighter. He deserves to be No 1."

Results, page 40

The long itch called Emily

The Amherst Myth, Radio 4, 2.00pm

Except for a lock of hair, a daguerreotype and a brief written sketch ("I am small like a wren; my hair is bald as a chestnut butt"), there were no physical dimensions in Emily Dickinson's bequest to posterity. Nor did America's finest woman poet explain why she led a reclusive existence. And still not solved is the riddle of the 1,800 poems found in a wooden box in her home in Amherst, Massachusetts, after she died in 1896. In *The Amherst Myth*, the British poet Simon Armitage travels to Amherst. He pieces together some of the jigsaw puzzle, but great gaps remain. "We have a terrible itch to make sense of her," says an American professor. The 10-year itch must surely be the longest in the history of verse-writing.

The Off Season, Radio 4 FM, 10.00am

Although I have heard only a few excerpts from Alex Frater's account of his visit to the Indian state of Goa, it was quite enough to persuade me not to follow in his footsteps. Not in the moonsoon season, anyway. Frater's report launches a series in which travel writers return to their favourite holiday haunts after the tourists have packed their bags and gone. Why Frater chose moonsoon time, I simply cannot imagine. He sloshes about in muddy paddy-fields at night, watching the locals catching frogs by hypnotising them with torches. A quick beheading, then they are skinned alive, roasted and served to the well-off.

Peter Derville

RADIO 1

PM Stereo, 4.00pm Chris Warren, 5.30
Chris Evans, 6.00 Simon Mayo, 12.00
Lisa Farnon, incl. at 12.30-12.45pm
Newswatch and 1.15 The Net 2.00 Nicky
Campbell in the Afternoon 4.00 Dave
Pearson, incl. at 5.30-5.45pm Newswatch
and at 6.30 The Mix 7.00 Evening Session
8.00 Cing Film with Mark Kennedy
10.00 Mark Radcliffe, 10.45 Wendy
Lloyd, incl. at 12.15pm The Net

RADIO 2

FM Stereo, 6.00pm Martin Kelner 7.30
Fleming Kennedy, 9.30 Ken Bruce, incl. at
10.00 His 1.30 Jimmy Young 2.00pm
Audi Sides 3.30 Ed Stewart, 5.05 John
Dunn 7.00 Hayes over Britain 8.30
Permanent (S4) 9.00 Burns: A Drama and
the Truth 10.00 After Eggs: Valeria Solis
sings to Dame Joan Sutherland 10.30
The Jamesons 12.00pm Steve Madden
3.00-6.00 Alex Lester

RADIO 5 LIVE

5.00pm Morning Reports, 6.00 The
Breakfast Programme, incl. 6.55, 7.35
racing preview 8.35 The Magazine, incl.
10.25 Euronews, 11.30 Dirty News
12.00 Midday with Mark, incl. 12.45pm
Newswatch, 1.15 Entertainment News
2.00pm Rucan on Five, incl. 3.15 Prime
Minister's Question Time 3.45 Entertainment
News 4.00 John Inverdale National
wide 5.45 Entertainment News 7.00
News Extra, with Valerie Sanderson 7.35
The Tuesday Match 10.05 News Talk
11.00 Night Extra, incl. 11.15 The
Frankie Howerd Tonight 12.00pm After
Hours 2.05 Up All Night

TALK RADIO

6.00pm Sandy Warr 7.00 Simon Bates
10.00 Jonathan King 12.00 Tommy
Bryd 2.00pm Anna Riechman 4.00 Scott
Chapman 7.00 Sean Bigger 9.00 Mike
Doe 10.00 James Whale 1.00-6.00pm
Ian Collins

WORLD SERVICE

All times in GMT, 5.00am Newsday 5.30
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Spot, Ave 7.30 News 7.50 The
World 8.00 News 8.15 On the Spot
8.15 Racial 9.00 News in German 9.15
My Music 9.45 Sport 10.00 Newsday
10.30 BBC English 10.45 On the Spot
11.00 Newsday 11.30 Drama: The
House of Cards 12.00 World News
12.05pm World Business Report 12.15
Britain Today 12.30 Your Best Chances
Shape 1.00pm Newsday 2.00 News 2.05
Outlook 2.30 Multitrack: H1 List 3.00
News in German 3.15 On Screen 3.20
Corbis 4.00 News 4.15 The World
Today 5.30 News in German 5.00
Europe Today 5.30 World Business
Report 5.45 Sport 6.00 Newsday 6.30
News in German 7.00 News 7.01
Outlook 7.25 Fath 7.30 Megamix 8.00
Newsday 8.05 News 8.05 Business
Report 8.15 Britain Today 8.30 Mediaset
10.00 Newsday 10.30 News Today
10.45 Sport 11.00 News 11.10 Invitation
to the Dance 11.15 Anything Goes
11.45 Country Midnight Newsday
12.00pm What's New? 12.05 Britain
1.00 News 1.10 Press Review 1.15 On
Screen 1.30 Western Music 2.00
Newsday 2.30 Andy Kershaw 3.00
Newsday 3.30 News 3.50 Discovery 4.00
Newsday 4.30 Europe

CLASSIC FM

4.00pm Mark Griffiths, 6.00 Nick Baley
8.00 Henry Kelly, 12.00 Susannah
Simons 2.00pm Concerto 3.00 James
Shirley 4.00pm Concerto 5.00 James
Shirley 6.00 Home 7.30 Paul Doyle 10.00
Mark Forster 2.00-6.00pm Robin Banks

VIRGIN RADIO

6.00pm Sandy Warr 7.00 Jimmy
Shirley 12.00 Graham Dams 4.00pm
Nicky Home 7.30 Paul Doyle 10.00
Mark Forster 2.00-6.00pm Robin Banks

RADIO 3

6.00pm On Air, Mozart (Overture:
Die Zauberflöte; Halle
Orchestra under John
Bartholomew; Schubert
Symphony No 9 in D; BBC
SO under Andrew Davis);
Cavalli (Lucia Jerusalem);
Korngold (Moth Concerto);
Bach (Wachet auf, ruft uns
die Stimme, Cantata No 140);
Prokofiev (Peter and the Wolf)
9.00 Morning Collection:
Mendelssohn (Overture: A
Midsummer Night's Dream);
Poulenc (Mass in G); Liszt (Il
penseroso, Concerto for
Soprano, Piano, and
Orchestra); Tippett (Fantasia
Concertante on a Theme of
Correll)
10.00 Musical Encounters, 10.05
Saint-Saëns (L'Assommoir
due Duc de Guise); 10.15
Airs of the West; Nicholas
Dawson, Oboe; Concerto (Cello
Sonata in F); 10.30 Jancsek
(Mack, Youth); 11.20
Southwest (Sonata in A, Op 2
No 2); 11.45 Colin Matthews
(Chiaroscuro)
12.00 Composer of the Week:
Frederic Chopin, Paul Janney
tells the composer's story and
plays his songs (25)
1.00 The BBC Orchestra, BBC
Symphony Orchestra under
Mathias Barnert, Gerhard
(Symphony No 1; Symphony:
Homage to a Festival)
2.00 Soloists Playtime 2.15 Time
to Move 2.35 Listen!
3.00 Billy Maynard, Peter Dickinson
introduces music composed
by the popular pianist (12)
3.20 The BBC Orchestra, BBC
Symphony Orchestra
under George Hurst,
Stephanie Gooley, violin,
Tippett (Ritual Dances, The

Midsummer Marriage);
Tchaikovsky (Moth Concerto
in D); Beethoven (Symphony
No 4 in B flat)
5.00 The BBC Orchestra, Sarah
Walker talks to the composer
Paul Newman about making a
film from composing (7)
5.15 In Tune, Gerald Lowe
introduces a selection of
music including Walton
(Scapino); Britten (Four
Cantatas); Poulenc (Moths
(Paradise Rondel); Brahms
(Serenade No 2 in A, Op 16);
Stravinsky (Overture: The
Rite of Spring)
7.30 Britten Plus, Ian Bostridge,
tenor, Julian Drake, piano:
perform music by Britten and
Schubert recorded at the
Wigmore Hall last month
9.00 Towards Musical
Democracy, Sam Richards
looks on tradition and
innovation in his profile of the
composer Sean O'Riada
9.25 The BBC Orchestra, BBC
Philharmonic under Van
Pascual Torrealba, Sargent
(Impressions of a Windy Day);
Fauré (Cantique de Jeanne
Rachin); Poulenc (Gloria in
G; Fauré (Requiem)
10.45 Night Waves, Richard Coles
investigates Frank Zappa's
last work, The Yellow Shark,
as the original participants
prepare to recreate this epic
work for one performance
only. Plus a review of the
opening of Martin Crimp's
new version of Molière's The
Misanthrope
11.20-12.30pm Music Restored.
Burning Bush directed by
Lucie Schepers and
programme of early and
traditional Jewish music

RADIO 4

5.55am Shipping Forecast 6.00
News Briefing and Weather
6.10 Farming Today 6.25
Prayer for the Day, with the
Rev Andrew Morfon 6.30
Today, with James Naughtie
and John Humphrys, incl.
7.00, 7.30, 8.00, 8.30 News
7.25, 8.25 Sports News 7.45
Thought for the Day, with
Catherine Cor 8.40 Yesterday
in Parliament 8.55 Weather
9.00 News 9.06 Call Nick Ross:
0177-580 4444
10.00-10.30pm The Off
Season (FM only). See
Choice
10.00 Daily Service (LW only)
10.15 This Scepter's Isle (LW only),
Britain in the 1750s
10.30 Women's Hour: The actress
Enrica Fielding talks to Jenni
Murray about her role in 1953,
a new version of Racine's
Andromache. Serial, Jennifer
Side reads Cause Celeb by
Helen Fielding (4/12)
11.30 Medicine Now, Geoff Watts
reports on medical matters
12.00 News, Yours and Yours
12.25pm Word of Mouth, Russell
Davies presents the series
about words and the way we
speak (6/12) 12.55 Weather
1.00 The World at One, with Nick
Clarke
1.40 The Archers (1) 1.55
Shipping Forecast
2.06 News: The Amherst Myth.
See Choice
2.30 A Club for Gentlemen, Paul
Allen investigates the history
and legends of male voice
choirs (1)
3.00 The Afternoon Shift
4.00 News 4.05 Kaleidoscope.
Paul Vaughan reads Rupert
Thompson's new novel The
Insult, and investigates the

piano works of Alkan
4.45 Short Story: Gilt Dancing
by Tony Peake. Peter defies
his parents and moves south
to an art college in London.
But everything goes horribly
wrong, until a moment of
revelation on a beach in
Cheshire. Read by John
Michie
5.00 PM with Jackie Hardy and
Ben Bradshaw 5.55
Shipping Forecast 5.55
Weather
6.00 Six O'Clock News
6.30 Any Other Business (5/6) (1)
7.00 News 7.05 The Archers
7.20 Film on 4
7.30 News Now
8.30 The 1988 Radio Lectures
— The Language War.
Professor John Ashenden
explores the ultimate goal
of language, and a clue to its
origin, may be lying (2/5)
9.30 Kaleidoscope (1) 9.55
Weather
10.00 The World Tonight, with
Lucie Schepers and
programme of early and
traditional Jewish music
10.45 Book of Bede: God
Stand Up for Barabara.
Journalist and author David
Lloyd reads his latest part of
subscriptography (7/8)
11.00 Medicine Now (1)
11.30-12.00 The Street (FM only).
Pat Doon Road, St Saviour,
Jersey (4/6) (1)
11.30 Today in Parliament (LW)
12.00 News incl 12.27pm Weather
12.30 The Little Book of Rest. Shiv
and Crowl reads the final part of
Ramesh Chatterjee's novel
12.45 Shipping Forecast 1.00 As
World Service
2.30-6.55pm Definitive World Cup
England v New Zealand
(LW only)

FREQUENCY GUIDE, RADIO 1, FM 97.5-99.8; RADIO 2, FM 88.0-
90.2; RADIO 3, FM 90.2-92.4; RADIO 4, FM 92.4-94.8; LW 198; MW
720; RADIO 5 LIVE, MW 693, 908; WORLD SERVICE, MW 648; LW
168 (12.45-5.55pm), CLASSIC FM, FM 102.1-102.2; VIRGIN RADIO, MW
105.8; MW 1157, 1215; TALK RADIO UK, MW 105.8, 108.0; Talk
and radio listings compiled by Peter Derville, Graham Mackay,
Rosemary Smith and Susan Thomson

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CRICKET WORLD CUP			
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7/2 Australia	9/1 England		
4/1 India	28/1 New Zealand		
4/1 Pakistan	200/1 Zimbabwe		
4/1 South Africa	1000/1 Netherlands		
6/1 West Indies	1500/1 Kenya		
7/1 Sri Lanka	1500/1 U.A.E.		
Each way one third the odds a place 1, 2, 3. All in play or not.			
8/15 ENGLAND v NEW ZEALAND 11/8			
Wednesday 14th February, Ahmedabad 5.00pm, Live on Sky			
TOP SCORING BATSMEN			
ENGLAND		NEW ZEALAND	
11/4 Atherton	7/2 Fleming		
3/1 Hick	4/1 Spearman		
2/1 Stewart	4/1 Parore		
4/1 Thorpe	9/2 Thorpe		
7/1 Fairbrother	6/1 Cairns		
9/1 White	9/1 Astle		

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Rain stops play for Marshall

MALCOLM MARSHALL, the former Hampshire fast bowler who is still the West Indies' leading wicket-taker, bowed out as a player from first-class cricket quietly yesterday. Marshall, 37, was forced to sit it out in the Centurion Park changing-room as torrential rain washed out Natal's chances of beating Northern Transvaal and so of retaining the Castle Cup, South Africa's four-day domestic competition, allowing Western Province to take the title.

Marshall said he had no regrets about retiring as a player. "I've been playing since 1977 and have thoroughly enjoyed it. But I just feel that this is the right time to go."

Marshall, who took 376 wickets for West Indies at an average of 20.94 runs, played 408 first-class matches, taking 1,651 wickets.

His spell with Natal has been spent playing and coaching and in April he returns to Hampshire, whom he represented for 15 years, as first-team coach. "I could probably keep on going but I think I would rather be remembered as a good cricketer than as someone who just hung on for the money," Marshall said.

Geoghegan doubt for Paris

BY OUR SPORTS STAFF

SIMON GEOGHEGAN, the Ireland wing, is doubtful for the five nations' rugby union championship match with France in Paris on Saturday because of a hamstring strain. Geoghegan, who has been switched from the left to the right wing as a replacement for Richard Wallace, was unable to take part in training sessions at Lansdowne Road yesterday.

France also have a problem, for Thierry Lacroix, their centre and goalkicker, is troubled by a groin injury. Although Lacroix played for his club, Dax, at the weekend, he was not at his best, and a decision about his fitness will be taken tomorrow.

Kenny Logan, the Scotland wing, will be fit to take his place on the bench for the international against Wales in Cardiff on Saturday despite injuring a hand in the Scotland Development XV's defeat by New South Wales on Sunday. An X-ray revealed bad bruising and not a break, as feared at first.

Keith Stewart, the Scottish-born Cardiff lock forward, who played for the Development XV, has pledged his international future to Scotland. Stewart had been named in the Wales A side to play Scotland A on Friday. New Zealand's state-owned

television yesterday lost out to pay television over live broadcast rights for international matches featuring the All Blacks, despite a personal plea from the Prime Minister, Jim Bolger.

Sky Television, which is 51 per cent owned by an American consortium and in which Television New Zealand (TVNZ) holds a 16.5 per cent

share, won the television rights to All Blacks matches played in New Zealand, Australia and South Africa.

The \$800 million agreement, whereby Sky has bought the rights from The News Corporation, parent company of The Times, was an extension of the deal between the New Zealand Rugby Football Union and News Corp.

Answers from page 39

AFROMOSIA

(a) A North and West African tree of the genus *Afromosia* (family Leguminosae), especially *Afromosia laetifolia* and *Afromosia elata*. From *Afro* + *mosia* (181) a genus of trees. "The furniture and joinery are of afromosia, a wood very similar to teak in colour and quality, except for the small chairs which are black, with rush seats."

CROCKFORD

(c) Usually Crockford's, the name of an exclusive gambling club opened in St James's Street, London, in 1827 by William Crockford (1775-1844). "Quid? Under Two Flags, 1891: 'They had brought dice for hazard and were turning the unconscious Star and Garter into an impromptu Crockford's.'"

CAPELINE

(c) A hat for a girl or a woman, having a wide brim often consisting of many folds of muslin or the like. *The Westchester Gazette*, 1899: "A girl in a black muslin capeline with a band round the crown and a big front bow of vivid cerise."

DOLMAN

(c) A sleeve that is much wider at the arm-hole than it is at the wrist. "Summer sleeves show that dolmans — the very draped and elegant sleeves — are back."

SOLUTION TO WINNING CHESS MOVE

1. Nc4 and if 1... Kc2; 2. Nc3 is mate, as is 1... Kc2; 2. Nc3.

These friends are hair today, gone tomorrow

A some unidentified point last night we passed the halfway mark in Peter Flannery's *Our Friends in the North* (BBC2). I wasn't keeping a stopwatch on our progress, but I have a hunch that the historic moment came as Nicky (Christopher Eccleston) stared wistfully down at the Type 11 that have been the moonlight, but for a moment he looked... just like Lemmy from Motorhead.

Yes, we had reached 1974, a year famous for about three things: power cuts, three-day weeks and really awful hair. If Nicky turning into a head-banger wasn't bad enough, there was worse in store for his mates. George (David Craig) emerged from prison looking like something that had escaped from *Planet of the Apes*, while Tosker (Mark Strong), newly reincarnated as greengrocer-capitalist-pig, appeared to have the long version of a Bobby

Charlton scrape-over. Only Mary (Gina McKee) was immune, but I dare say her friends will have arranged for something seriously feather-cut by next week.

It has taken five episodes to get from the mop-tops of 1964 to this hair-cutting, a relatively gentle two years an episode. But there are 20 years to cram into the remaining four episodes. From here on hairlines could be receding at record speeds.

With the story half-told, it is clear that the series is not so much a dance to the music of time as a shamble. Many of the reservations expressed at the outset remain. The four central characters never seem to have been good enough friends for the rare moments when their separate paths cross to be of great interest.

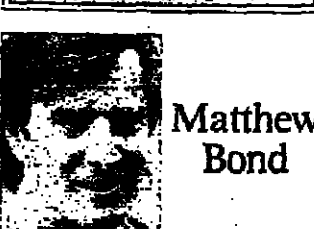
The notable exception is the flicker of romance that remains between Nicky and Mary, a couple destined to go through life wonder-

ing whether they made the right choice (they did not). In a drama where personal relationships come a poor fourth to politics, corruption and vainglorious idealism, their scenes together are among the most powerful. I fear, however, that we are not destined for a happy ending.

Perhaps aware that his story should not get any more depressing, Flannery brightened things up for last night's episode. George was out of prison and out of pornography. Mary and Tosker were on their way to joining the middle classes (but not necessarily together) and Nicky was back home and actually being nice to his parents. Mind you, when your mother has found a machinegun under your bed in the last episode it probably pays to be nice to her for a little while.

The corrupt Metropolitan Police finally got its conscience: good

REVIEW



Matthew Bond

news for the forces of good, but bad news for those who have enjoyed the excellent performances of Donald Sumpter as smooth-talking Commander Chapple, David Schofield as ghoulish DCS John Safewill and Danny Webb as the unfortunate DI Conrad.

I may be getting ahead of things, but it also looks as though we won't be seeing much more of Benny Barran (Malcolm McDow-

ell) or Austin Donohue (Alan Armstrong), both of whom look destined for long stretches at Her Majesty's pleasure. Their bery, charisma, and "all right, bonny lads!" will be much missed.

The sensitive among you will have realised that my reservations are not exactly over-the-top. Flannery's saga is proving strangely addictive. I shall stick with it to the end — partly for the hairstyle, partly for the acting and partly because I suspect that the whole will prove to be rather more than the sum of its parts.

Whether I stick with either *Island of Dreams* (Channel 4) or *Classic Ships* (Channel 4) is far more debatable. On paper, both looked just the job for a cold February night, but the reality proved very disappointing.

The problem with *Island of Dreams* is multiple. It is too long

— last night's hour-long opener was based on the stories of just two women who have turned their backs on Britain to marry Greek men on the island of Zakynthos. At times it would have been more exciting watching olives grow.

It is also predictable — the fact that there are now 3,000 British women now living on the island does rather suggest that there is nothing new about mixed marriages. In fact, as we all know it has been going on for decades — we've seen *Shirley Valentine*, we've read umpteen newspaper articles and we know perfectly well that life for a British woman marrying a Greek man is not exactly a bowl of lemons. Don't tell me, dear, let me guess — you're having trouble with the language and his mother?

You have to be female really to understand how incredibly funny they make you feel after London,

simpered one who had succumbed to the charms of a passing Denis. But, as she admitted, the incredibly female phase soon becomes the incredibly fed-up phase. "Greek men do change when they get married." How they are going to stretch this stuff to another two programmes beats me.

By contrast, I am inclined to forgive *Classic Ships*, which promised a look at the polished mahogany world of the River Thames, but got diverted by a patriotic duty to remember Dunkirk. The result was rather too much of Raymond Baxter and the Little Ships on this particular occasion) and rather too little of beaver-tail tarts, clinker-built skiffs and slipper launches. Still it was worth it just to hear its narrator, John Peel, a man who has built a career on dry understatement, solemnly conclude that: "Thames boat-builders are right to be proud of their products." Say goodnight, John.

BBC1
6.00am Breakfast News (80435)
9.00am Breakfast News (80435)
9.00am Breakfast News Extra (80435)
(80435)

9.25am Can't Cook, Won't Cook (8133706)
9.45am Killybegs: Topical discussion (8133706)
10.30am Good Morning (8133706)

12.00pm News and weather (8133706)
12.05pm Turnabout (8133706) 12.30
Going for a Song (8133706)

1.00pm One Foot in the Past (8133706) and
weather (8133706) 1.30pm News and
weather (8133706)

1.40pm Neighbours (8133706) (8133706)
2.00pm Pobble (8133706)

2.40pm Rich Man, Poor Man, With Peter
Strauss and Nick Nollo (8133706) 3.00pm
ChuckieVision (8133706) 4.10pm Free
Willie (8133706) 4.35pm Take
Two (8133706) 5.00pm News and
weather (8133706) 5.10pm
Grange Hill (8133706)

5.35pm Neighbours (8133706) (8133706)
6.00pm Six O'Clock News (8133706) and
weather (8133706)

6.30pm Regional News Magazine (8133706)
7.00pm Holiday, All Dando explores the island of
Manx; Monty Don sails his way around
the Caribbean; Diana Madill goes on an
unusual trek in France; and Carol Smith
gives her personal guide to Glasgow
(8133706) (8133706)

7.30pm EastEnders: Ricky feels the full force of
Blanca's temper; Franky renews his attack
on Pat and Roy and Sam can't under-
stand why everyone is angry with her
(8133706) (8133706)

8.00pm Great Ormond Street: This
week the focus is on talking
disorders and related matters (8133706)
(8133706)

8.30pm Next of Kin: Last in series, Maggie wins a
trip to a theme park (8133706) (8133706)

9.00pm Nine O'Clock News (8133706), regional
news and weather (8133706)

9.30pm Men Behaving Badly: Gary is being
suspiciously courteous to Tony's brother
and his girlfriend when they come to stay
(8133706) (8133706) 9.50pm
Week in Week Out

10.00pm The X-Files: The FBI agents investigate
the disappearance of a tobacco
company executive (8133706) (8133706)

10.40pm Match of the Day: The Road to
Wembley, Desmond Lynn introduces
highlights of the FA Cup fourth round
replay between Crewe Alexandra and
Sutton United. The commentator is Clive
Tykesley (8133706) (8133706)

11.00pm The X-Files: The FBI agents investigate
the disappearance of a tobacco
company executive (8133706) (8133706)

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BBC2
6.00am Open University: Cosmology Before
Einstein (1485400) 6.30am James
Hunt (8040800)

7.15pm See Hear Breakfast News (8040800)
(8040800)

7.30pm The X-Files: The FBI agents investigate
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BBC2
6.00am Open University: Cosmology Before
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Hunt (8040800)

7.15pm See Hear Breakfast News (8040800)
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MOTOR RACING 41

VILLENEUVE REFUSES
TO SETTLE FOR
SECOND BEST

SPORT

TUESDAY FEBRUARY 13 1996

TENNIS 42

CAPRIATI SERVES
NOTICE OF HER
RETURN TO COURT

Curtain rises on troubled World Cup

England's first target is quarter-final place

FROM ALAN LEE,
CRICKET CORRESPONDENT
IN AHMEDABAD

LAUNCHED amid hot air and ill will, the World Cup needs urgent redemption tomorrow, when the talking must pause for an interlude of cricket. And it is England, mere spectators through the days of rancour and rhetoric, who are charged with restoring the sense of purpose that this event has mislaid.

Not the least of the illogicalities of the competition is that the inaugural match does not feature either Pakistan, the holders, or India, their co-hosts. Instead, it is a meeting of England and New Zealand, neither of them previous winners of the Cup nor conspicuously likely to change their habits now. It is a game England are expected to win; conversely, it is a game they could all too easily lose.

Given the flabby format, a defeat for England in this unlovely textile city would be

anything but terminal. However, to lose their first game, with the eyes of every competing nation upon them, would undermine their credentials and expose their brittleness, reviving the readily dismissed yet sensitively recent memory of their demise in the one-day series in South Africa.

England have no complaints about their itinerary, and nor should they. After New Zealand, priced by the bookmakers at a scornful 28-1, they play United Arab Emirates on Sunday and Holland next Thursday. Even Raymond Illingworth, not a notoriously gung-ho manager, admits there is the prospect of three wins to seal a favourable quarter-final. "It has fallen quite well for us," he concedes.

New Zealand will have no respect for this view. They were the revelations of the last World Cup, devising and adhering to an inventive game-plan that involved opening their bowling with off spin

TEAMS

ENGLAND (from): M A Atherton (captain), A J Stewart, G A Hick, G P Thorpe, N H Fairbrother, R C Russell, C White, D G Cork, P A J DeFreitas, N M K Smith, D Gough, R K Illingworth, P J Martin.
NEW ZEALAND (from): C J Spearman, N J Astle, S P Fleming, R G Twose, C L Cairns, A C Parore, S A Thomson, L K Gammon (captain), C Z Harris, D N Patel, G R Lawson, D K Morrison, D J Nash, R A Kennedy.
Umpires: S G Handell (Australia) and B C Cooney (Sri Lanka).
Referee: M A K Patela (India).

and following up with a sequence of slow, accurate seamers. They will probably retain a similar pattern here. What they cannot call upon, however, is the inspirational batting of Martin Crowe.

The present New Zealand side, led by the scarcely-known Lee Gernon, is young and impossible to pigeon-hole. England know all about Roger Twose and Chris Cairns, and

they are aware of Stephen Fleming's powerful stroke-play. But much, like Nathan Astle and Craig Spearman, the opening batsmen, will be new to them, although Astle is well enough known to Illingworth after spending two years playing for his club, Farsley, in the Bradford League.

Dipak Patel, whose off-breaks with the new ball were so effective four years ago, is back again, as are Gavin Larsen and Chris Harris, the apparently innocuous double act who strangled the middle overs of so many opposition innings. Add Cairns, Dion Nash and Danny Morrison, and their bowling looks anything but negligible.

England will try to second-guess New Zealand's tactics. "In most circumstances we will use our regular opening batsmen," Illingworth said, "but if we think Patel will open the bowling for New Zealand, we'll probably promote a hitter to go in first." This overvalued tactic, with a high failure percentage, would fall either to Craig White or Dominic Cork, with the option of Phillip DeFreitas if he is in the final XI.

Whenever England encounter a slow pitch, which means in the majority of their games, they are likely to include both their specialist spin bowlers, Neil Smith and Richard Illingworth. This leaves room for only two front-line seam bowlers: Cork will be one and Darren Gough, his zest and late swing evidently restored, should start as the other.

Whoever else misses out tomorrow — and it is likely to be DeFreitas and Peter Martin — one absentee will be Robin Smith. Injuries have already been linked to England, with Cork, Gough and Neil Fairbrother all requiring treatment, but Smith alone is ruled out of the opening game and still uncertain if he has a future in the tournament.

England have been reassured that Pilcom, the organising committee, will look kindly on requests to replace injured players. They have received no joy on voicing their unease about the process of recalculating targets in the event of rain, or the potential problems in the insistence on restarting games on the reserve day if 25 overs of the second innings have not been bowled. Theoretically, a team could score 300, have the opposition at 70 for nine in 24 overs and still have to start again — an extreme case, though not impossible.

England's officials, however, have had to come to India to raise their doubts. They have found the offices of the organisers, Pilcom, a communications blackspot and estimate no more than 15 per cent of their letters, faxes and phone calls in the past year have been answered. The more one hears about this World Cup, the more worrisome it seems that it is starting at all.



England's new change strip, a radical new departure from previous kits and, according to the manufacturer, based on a denim look, was modelled by Alan Shearer and Tim Flowers yesterday. Report, page 40

Bomb discovery heightens doubts about Colombo

BY SIMON WILDE

HOPES that on-field affairs in the cricket World Cup might now take precedence were dashed yesterday by the discovery of a massive truck bomb, which was located a mile from the Premadasa Stadium in Colombo.

This find, plus reports of a civilian massacre in northeast Sri Lanka, raised fresh doubts over the willingness of the Zimbabwe and Kenya teams to fulfill fixtures on the island.

Already Australia and West Indies have forfeited matches against Sri Lanka rather than go there, after a suicide bombing in Colombo two weeks ago. Both teams were scheduled to play at the Premadasa ground.

Zimbabwe are perhaps the more likely to be concerned by



the new developments. Their match is in Colombo on February 21, while Kenya's is in the relative safety of Kandy on March 6. Several of the Zimbabwe players were anxious about the original decision to go ahead with their visit to the island.

If Sri Lanka gained two more walkovers they would enter the quarter-finals without playing any cricket, an unacceptable state of affairs. The tournament would be held up to ridicule.

The Zimbabwe party arrived in Hyderabad yesterday

morning for their game against West Indies on Friday. Late last night, Babu Memon, their tour manager, had heard nothing official about the discovery of the lorry bomb and declined to speculate on what Zimbabwe's reaction to the news might be.

At the weekend, a spokesman for the Tamil Tigers, who are waging a guerrilla war in Sri Lanka, said that the group had no intention of attacking foreigners or sports personalities. The bomb yesterday was planted in a temple compound.

The incident will cause intense embarrassment to the World Cup organisers, who have consistently dismissed as unfounded the fears that the Australia and West Indies players have raised over safety.

Yesterday, before the bomb was discovered, Indrajit Singh Bindra, president of the Indian Cricket Board, threatened Australia and West Indies with heavy fines — in the region of £2 million — for failing to carry out their commitments.

West Hall, the West Indies manager, responded to news of the lorry bomb by saying: "We have no comment. It does not concern us." Don't expect any 'I told you so' comments from me.

Ironically, security concerns may now centre on the exhibition match between Sri Lanka and a combined India-Pakistan team in Colombo today.

It was arranged to recompense Sri Lanka for the loss of two lucrative fixtures and demonstrate that it was quite safe to play in the city.

New score, page 10
Marshall retires, page 42

Europe plans for Bosman era

BY DAVID MILLER

THE administrative turmoil within football in Europe, and within Uefa, continues. At a meeting of ten national associations from the European Union at Windsor yesterday, it was effectively admitted that the Bosman judgment, outlawing the system of transfer fees, was beyond challenge. European clubs are going to have to live with it.

The only firm agreement was a recommendation to Uefa, football's European governing body, to create a consultative committee, embracing representatives of clubs and leagues, to help to resolve the crisis that is not of the EU's making but of the future of European competitions. The next executive meeting of Uefa is in London this weekend.

"The clock is ticking," Rick Parry, chief executive of the Premier League, said. "The players are organised, the agents are organised, and the danger is that only the administrators are not."

There was general approval for national associations approaching their respective governments for assistance in pressing for the inclusion of a sports clause in a revised European treaty. Yet, as Graham Kelly, the secretary of the Football Association, said:

"Time is running out for governments to have any impact." A sports clause would acknowledge the right of sport to protect its own interests, as does the culture clause, though it would not be able to bypass the implications of labour laws regarding transfers.

There was a majority agreement that there should be negotiations with the EU to secure a transitional period for implementation of the abolition of transfers and the present "three plus two" eligibility rule. This was opposed by England, Scotland and Holland.

"The judgment of December 15 is clear," Parry said. "We have to learn how to deal with the situation. A lobby by governments [to protect the transfer system] should have taken place five years ago. A transitional period only means ultimate acceptance of the change."

By agreement among the participating clubs, Uefa has already established that a voluntary "three plus two" eligibility rule — three foreigners plus two assimilated players per club — will continue to operate for the remainder of this season's European competitions.

A "solidarity" proposal suggested by the EU — that a percentage of top professional

clubs' income should be distributed among smaller clubs as a replacement for transfer fees — was rejected.

The first concern of Kelly and Parry is to attempt to preserve as far as possible the domestic transfer system, as part of the fundamental financial structure of the game.

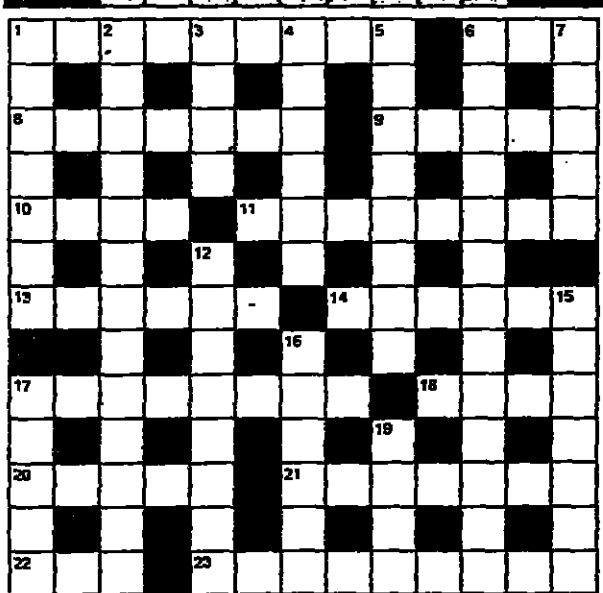
Kelly said: "We wish to preserve it, because we think it's fair, that it's in the interest of the whole game, of all clubs, and of all players."

Parry is also concerned that Uefa should not provoke European legislation to the point where it further extends its jurisdiction over the game. There is alarm, domestically,

at the recent intervention by the Office of Fair Trading concerning the television contract of the Premier League. The EU could impose further restrictions and Parry is anxious to have established something similar to the Sports Trust Act in the United States, that allows sports administrators the right to determine television contracts in their own best interests. Where Uefa must be restrained, however, is in its pursuit of an expanded Champions' League. A champions' competition is for champions on the field, not in the stock market.

Venables's victory, page 8

TIMES TWO CROSSWORD



No 703

- ACROSS
1 Sucker for hard-luck tale (4,5)
6 A wedge; a cat: The Rock (3)
8 Myth, monster: unrealistic idea (7)
9 Heights between Israel, Syria (5)
10 Hires; sounds like single (4)
11 Trifling (8)
13 Arm-bone; a spoke (6)
14 Feudal homage-owner (6)
17 Leave (item) in will (8)
18 Consume in fire (4)
20 Kingdom (5)
21 Observation post (7)
22 Bind; draw (3)
- DOWN
23 Using Imperial measures (3,6)
1 Non-sacred (7)
2 Honest; absolutely (4,3,6)
3 Revilingly sentimental (4)
4 The other ringed planet (6)
5 Scots 31 December (8)
6 Grim joking (facing death) (7,8)
7 Exchange (jokes); curved (legs) (5)
12 Ideal person (Nietzsche) (8)
15 Crazy (moon-struck) (7)
16 Russian WW2 leader (6)
17 (French) soft hat (5)
19 Tree-trunk: sounds like container (4)

SOLUTION TO NO 702
ACROSS: 1 Drunkard 5 Scan 8 Shift 9 Cistern 11 Urn 12 Hue and cry 13 Botany 15 Big top 18 Subsidise 19 Fee 20 Crooked 21 Tini 22 Side 23 Tell-tale
DOWN: 1 Disturb 2 Union 3 Kitchen sink 4 Rocker 6 Crew-cut 7 Nanny 10 Sentimental 14 Tabloid 16 Preside 17 Riddle 18 Socks 19 Farva

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Lewis to undergo HIV test

BY SRIKUMAR SEN, BOXING CORRESPONDENT

LENNOX LEWIS, of Britain, the former World Boxing Council heavyweight champion, is to take a test for HIV.

The measure is a precautionary one after reports that Tommy Morrison, his last opponent four months ago, may have tested HIV-positive.

On Saturday, the Nevada State Athletic Commission suspended Morrison hours before his bout in Las Vegas against Arthur Weathers, another American. The Commission did not give any reason, but it was widely reported that one of the tests was for HIV — and that Morrison had tested positive.

Lewis, whose next opponent is Ray Mercer on May 10, was not available for comment yesterday. Frank Maloney, Lewis's manager, said, however: "No one knows exactly what's the matter with Morrison but all the precautions that are necessary will be taken. Lennox is due to have a full medical with the boxing board in March and HIV tests will be done then. I spoke to a doctor today — he told me the chance of anyone

catching Aids from a boxing match is a million to one." Panos Eliades, Lewis's backer, who had told The New York Daily News that "we had better get our man in there [for testing], there was a lot of blood in that fight," said yesterday, however, that he was not worried as Lewis was not cut in the bout with Morrison in Atlantic City.

The last British boxer to undergo a similar check was Colin McMillan, the former World Boxing Organisation featherweight champion, as a result of a bloody encounter with Ruben Palacios, of Colombia, in September 1992. When he came back to Britain to defend his title in 1993, Palacios was found to be HIV-infected. McMillan had tests and was cleared.

Tommy Virgetis, Morrison's trainer, said that neither he nor Morrison knew the reason for the Nevada ban. "I would say everything is speculation," Virgetis said.

Morrison's promoter, Tony Holden, added: "If there is a problem we are going to have Tommy retested." Marc Ratner, the executive director of the Nevada Commission, said he could not give more details. "I have been instructed by the Attorney General's office not to say anything more," Ratner said.

Morrison never made any secret about his fast lifestyle, though before the bout with Lewis he said he had changed his ways. "I was a professional partner — but I am reformed now," he said.

Andries hopeful, page 41

Swinburn making progress

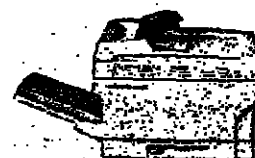
WALTER SWINBURN, the Derby-winning Irish jockey seriously hurt in a fall in Hong Kong on Sunday, regained consciousness yesterday. Last night he was under heavy sedation at the Prince of Wales Hospital. Although his condition was described as "poor", his life is not in danger.

Swinburn, 34, suffered multiple injuries when his horse, Liffey River, hit a running rail and an iron stanchion. Surgeons performed a minor operation to drain fluid from his skull. He also broke a shoulder and suffered multiple rib and collarbone fractures. Fluid and blood accumulated in his lungs. Swinburn's father, Wally, flew to Hong Kong yesterday to be at his son's bedside.

The Hong Kong stewards, concerned over a recent spate of falls at Sha Tin and Happy Valley, have blamed the accidents on jockeys riding more forcefully.

Racing, page 39

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SHARP
INTELLIGENT THINKING

Warren agrees to company ban

By JON ASHWORTH
AND MORAG PRESTON

FRANK WARREN, the boxing promoter, was disqualified from serving as a company director for seven years by a High Court judge yesterday. The ban follows a four-year investigation by the Department of Trade and Industry (DTI) and threatens to cast a pall over next month's world title fight in Las Vegas between Mike Tyson and Frank Bruno.

Mr Warren, who recovered from a gangland shooting incident to become the UK's foremost promoter — Prince Naseem Hamed and Nigel Benn are also on his books — had been due in court on Monday to fight the DTI action. However, he consented to a seven-year ban in the face of accusations ranging from trading while insolvent to failing to file annual returns.

The disqualification order is linked in part to the London Arcus, the entertainment complex in London's Docklands which collapsed in 1991 with debts of more than £20 million. Mr Warren had a key financial stake in the venue, and suffered substantial losses when the receivers went in. The London Arena subsequently reopened under new management.

Never mind the quality, enjoy the sex, defence tells New York court

Joan Collins just needed an editor, says her lawyer

FROM QUENTIN LETTS IN NEW YORK

JOAN COLLINS'S main ingredients for the plot of her book were "money and sex and power and sex and intrigue and sex", her lawyers admitted yesterday, but they said her prose was "not uneditable, just unedited".

Donald Zakarin, summing up for Miss Collins in the New York Supreme Court case brought against her by Random House, said the publishing group had claimed her manuscripts were not "complete", as demanded by her \$4 million contract.

With a flourish, he produced a definition of "complete" from Random House's own dictionary. It described the word as "having all parts or elements, lacking nothing, whole, entire, full". Quality was not mentioned, noted Mr Zakarin.

He accused Random House of trying to intimidate all authors with its case against Miss Collins. "They are saying 'Don't mess with us, or we will show the world the difference between what you send to us and what we publish'."

Random House is suing Miss Collins for the return of a \$1.2 million advance after it was dissatisfied with her manuscripts. In the week-long

case the court has laughed at extracts from Miss Collins's raw work. "Random House has attempted to humiliate her," said her lawyer.

Before yesterday's proceedings, Miss Collins admitted she was "mistress of adjectives" and told the New York Post that if she lost the case she would have to "sell a picture or a bracelet or something". She said that when her late agent, Irving "Swifty" Lazar, told her the size of her two-book deal with Random House, she had gasped.

Mr Zakarin said the only reason the deal went through was that Alberto Vitale, head of Random House, was "star-struck" by the well-preserved 62-year-old actress.

Miss Collins overcame detailed cross-examination yesterday from Random House's attorney, Robert Callagy. Proceedings then descended to farce when the defence tried to illustrate its closing arguments with large storyboards, placed perilously on a tripod. They fell to earth with a clatter, creating mirth in the courtroom.

Miss Collins might never have had any trouble if the characters in her book had been as colourful as those in

court. From the star witness to the irascible Judge Ira Gammerman, the case has provided rich material for a novel. Judge Gammerman, a classic no-nonsense New York judge, harries lawyers, attacks verbosity and sucks his teeth in the manner of Alastair Sim.

Robert Callagy, the lead lawyer for Random House, evokes a pot-boiler anti-hero. During one heated exchange he asked Miss Collins: "Have you no shame?"

Joan Evans, Random House's chief witness who was agent and one-time friend to Miss Collins, has described the actor's prose as "gothic and dull". Kenneth Burrows, Miss Collins's chief lawyer, is married to the feminist writer Erica Jong and is less than fluent in his advocacy. He often scans the public benches in search of friendly faces.

Miss Collins — the undisputed leading lady — arrives at court in a different outfit every day. She said yesterday that she would use her court experience as inspiration for her next book. "Swifty always told me: 'Remember kiddo, all they really want to know is who you slept with'. And to tell you the truth, I do have a few more of those stories left."



Joan Collins: her lawyer said her literary work was "not uneditable, just unedited"

Climber killed as he saved wife on her birthday

By GILLIAN BOWDITCH, SCOTLAND CORRESPONDENT

THE sole survivor of an avalanche in central Asia has died less than three years later, in an avalanche, in Glencoe, Paul Potter, married at Christmas, managed to save the life of his wife before he was swept away.

Theresa Potter had joined her husband on a climb because it was her birthday and she wanted to spend it with him. Mr Potter, 42, from Woking, Surrey, was running a training course for an adventure holiday company.

Only one person was signed up for the course this week: Alison Todd, 31, an inexperienced climber. She also lived because Mr Potter made both women unhitch their ropes from him and move away.

In August 1993, Mr Potter was the sole survivor of an expedition he led to Kazakhstan, when two British and two Soviet climbers were killed on the 23,000ft Khan Tengri in the Tien Shan range.

On Monday, he was tackling the 2,800ft Aonach Dubh, the most westerly peak in the Three Sisters of Glencoe range. The Scottish Avalanche Information Service has been warning of a serious risk all week.

Yesterday the deputy leader of the Glencoe Mountain Rescue Team, David Gunn, said Mr Potter's final actions had almost certainly saved the lives of the two women.

He said: "I understand that all of a sudden, he realised that there was a real risk —

which was not readily apparent — as the three of them were going up the final slope towards the summit."

Mr Potter dug a snow pit and tested for avalanche risk. Realising they were in danger, he told the two women to unhitch their ropes and spread out on either side of him.

Mr Gunn said: "This was the action of a very brave man, who knew exactly what he was doing. By spreading them out, he drastically cut down the risk of them all being caught by the full force. The two women would have lost their lives if it was not for his experience and knowledge."

Mrs Potter, 37, had been married for less than two months. Her husband's body was recovered yesterday.



Potter: sole survivor of avalanche in 1993

Torment of one-armed man who killed boy

A SOLICITOR defending the one-armed man accused of murdering schoolboy Lee Kitch yesterday of his client's "three-year torment" at the hands of local youths which led up to the stabbing.

Julian Linskill, Leo Gavan's solicitor, told Hutton magistrates' court that his client had lost his arm below the elbow when he was seven. Mr Gavan, 36, moved to Hutton, Merseyside, three years ago, and his disability became the subject of taunts. Mr Linskill said: "My client's life has been made a misery. Among other tribulations, bricks have been thrown through windows — often within an hour of their being re-glazed. Youths make it their business to abuse him."

Mr Gavan, who is unemployed, appeared at the court on a charge of murdering 14-year-old Lee on Sunday. Reporting restrictions were lifted on the application of Mr Linskill, who said: "I appeal for anybody who has evidence of what he has had to put up with to come forward."

On the night of the murder stones were thrown through Mr Gavan's windows. He chased the youths, then struck Lee with a knife, Maria Corr, for the Crown, said.

Asked why he had stabbed Lee, Mr Gavan replied: "Because he deserved it." He denied intent to kill or cause serious bodily harm. He was remanded in custody and a committal was fixed for April 9.

Company given two months to repair Austen film house

By MARCUS BINNEY
AND EMMA WILKINS

THE owner of an 18th-century mansion used in the forthcoming "Emma" Thompson film of *Sense and Sensibility* has been ordered to conduct vital repairs to face losing the Grade I listed property.

Chandos House, built in 1770 near Harley Street, in London, has been left empty since it was bought five years ago by a property development company whose chairman is a Nigerian politician.

English Heritage has given Fairgate Investments two months to carry out repair work, otherwise it will consider proceedings for compulsory purchase of the house.

Sir Jocelyn Stevens, chairman of English Heritage, is concerned by the decaying roof, spreading dry rot and cracked walls. "It is unacceptable that a building of this importance has been allowed to fall into a serious state of disrepair," he said.

"We hope that the owners will now act quickly to repair



Chandos House: empty for five years

the building or sell it to someone who will care for it and bring it back into use."

Chandos House, built for the third Duke of Buckingham and Chandos, was used for London scenes in the Jane Austen adaptation. The interior, featuring original decoration by Robert Adam, became the townhouse of John and Fanny Dashwood.

Between 1815 and 1871 the house was the embassy of the Austro-Hungarian empire and was used for lavish

parties by Prince Esterhazy, the ambassador. It was last used as a headquarters and hostel for the Royal Medical Association eight years ago.

Fairgate Investments, chaired by Chief Akidele, is estimated to have paid £6 million for the house at the height of the property boom. It is understood that the company is unwilling to sell it for less than the original purchase price.

The company obtained permission to convert the house to a luxury hotel but the work was not considered viable and permission has expired. After the theft of four Adam fireplaces from the house, Fairgate Investments is suing a security company for £1.5 million.

The owners carried out temporary repairs to make the building watertight last year after English Heritage served an urgent works notice.

If English Heritage succeeds in obtaining a compulsory purchase order, the price will be determined by the Lands Tribunal.

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Parents urged
empathise:
Take That sp



Warner Bros.
plans \$228m
studio and

Record company sets up helpline to ease grief of teenage fans at the departure of their heartthrobs

Parents urged to sympathise as Take That split

By KATE ALDERSON

TAKE THAT, whose music and carefully choreographed dance routines caused many a teenage heart to throb, are now breaking them by splitting up. The four remaining members of the most successful British act of the 1990s insisted yesterday that their decision was unanimous and amicable.

Take That, who sold ten million albums worldwide and had seven British No 1 singles, announced their plans to pursue separate careers at a packed news conference in Manchester, their home city. Within minutes of their announcement, some fans were telephoning local radio stations in floods of tears begging the band not to split. RCA, the band's record company, has set up a helpline to get them through the first few months of life without Take That. Fans have also been telephoning Childline, the national children's charity, to share their grief at the demise of their favourite band.

Parents were urged to sympathise with upset children. "They need to realise that young people have very intense feelings about their role models and heroes."

The band, a polished ensemble of pretty and polite lads called Jason Orange, Robbie Williams, Howard Donald, Gary Barlow and Mark Owen, was formed in 1990. They had their first hit single in 1992 and won numerous music industry awards and the affection of



Williams said goodbye to the group earlier

millions of screaming fans. They notched up 12 top-ten singles, 14 top-40 hits and three albums, two of which reached No 1 in the charts. Their hit singles included *Pray*, *Relight My Fire*, *Babe* and *Everything Changes*.

When the band formed they pledged themselves to a pure life without drink, drugs or girlfriends. Recently, "the boys", as they were referred to in the music press, updated their image, using raunchy dance routines and wearing stage costumes which offered glimpses of their buttocks.

They bow out with their new single, a remake of *How Deep Is Your Love* by the Bee Gees, an appearance next week at the Brit awards and a concert in Holland in April. The band's members pleaded with fans to "hold themselves together" until the band members resurfaced in their new

careers. Mark Owen, 24, explained the reasons for separation: "We have done all we can do as Take That. The four band members had each independently decided a few months ago to split while they were 'at the top', he added.

Williams is suing RCA to sever his contract. Take That yesterday admitted that this High Court action hung over their decision to split. "Fifty per cent of it is that it's what we all decided to do," Owen said. "There are other factors that we don't want to go into."

Despite the band's insistence they were all ready to pursue separate careers, Gary Barlow, 25, the band's principal singer and songwriter, was the only member able to announce immediate plans for a solo career. He said he hoped to have a single released by the summer, followed by an album and a tour. Barlow is said to be worth £6.5 million, while the other three band members are reputed to have amassed £1.5 million each. They seem correspondingly less confident about their futures, which they hope will be in the music business.

When asked if Jason, Howard and Mark might sink without trace after the split, Jason Orange, 25, replied with a smirk: "There's every chance of that." However, Orange said there was every chance of a "comeback thing". He told the fans: "When we say it's the end, it's the end of Take That as it is now."

Janet Gordon, page 15



And then there were none: Jason Orange, Gary Barlow, Mark Owen and Howard Donald, who insist the split is unanimous and amicable

Hit and miss careers of yesterday's teen idols

By JOANNA BAILE

OLD pop groups never die, they go solo, go broke, or stage eternal comebacks. Bros, Wham! and the Bay City Rollers were short-lived "teenybopper" groups that split up in a blaze of publicity after earning millions of pounds.

Only one of the three bands has spawned a successful solo artist — George Michael from Wham!. The other former "stars" were relegated to the fringes of the music business. Matt and Luke Goss, the twins who formed Bros, were the idols of a generation of teenyboppers from 1988 to 1991, when their last chart single, *Try*, failed to climb above No 27. The band split, Luke stayed in London and Matt went to Los Angeles for three years "to grow as a man,

to centre myself". He returned to London and a relaunch as a solo artist last year, while Luke married and formed a hard-rock band called Why. Both men, who are said to have earned and spent £12 million at the height of their fame, have retreated into relative obscurity.

When Wham! split up in 1986, Michael and Andrew Ridgeley had sold more than 20 million albums and 12 million singles during four years at the top, earning them £23 million. With such laddish hits as *Wham Rap* and *Young Guns* (Go for it), Michael was embarrassed by the group's teenybop image, but his solo career was blighted by a courtroom tiff with Sony Records, which he lost. The contract dispute was re-



Tartan echoes: the Bay City Rollers at their peak

solved when Virgin Records and Dreamworlds Media Empire bought him out for £30 million. Ridgeley moved to Monaco and took up Formula Three motor racing. His only

solo album, *Son of Albert*, flopped in 1990. By 1992 he had retreated from show-business to live with his girlfriend, the Bananarama star Keren Woodward, and

her son. They live in Cornwall, where Ridgeley spends much of his time surfing, while royalties roll in.

The Bay City Rollers, sensations of the 1970s, are touring in two rival groups which formed when they split up acrimoniously in 1973. The lead singer, Les McKeown, 39, fronts Les McKeown's Seventies Bay City Rollers while the rest of the group won the legal right to call themselves The Bay City Rollers. The two bands play in small venues such as town halls and colleges, where they still wear tartan and pump out old hits such as *Shang-a-Lang* and *Bye, Bye Baby*.

They may be inspired by a Seventies revival in America: the Osmonds, minus Donny but as toothsome as ever, have just released *The Best of the Osmonds*.

Junk mail firms cash in on the lottery

By ALEXANDRA FREAN
MEDIA CORRESPONDENT

JUNK mail companies are cashing in on lottery fever by offering misleading promotional prize draws which "promise the earth but invariably fail to deliver", advertising watchdogs said yesterday. The Advertising Standards Authority said that complaints about direct mail prize draws which misled people into believing they have won cash prizes have soared since the launch of the National Lottery. "Mailings that appear to make recipients think that they have won big prizes are generally only invitations to enter a prize draw," the Authority said. Research by a direct mail company showed that although 20 per cent of people have entered a prize draw, more than 30 per cent believe them to be "scams".

One mailshot from Hospital Plan Insurance Services claimed: "You have won a money prize" but people had to fill in a direct debit form made out to the company to collect a prize. The Authority said the mailing gave the impression that prizes would be large, when in fact many were for small amounts.

Grahame Fowler, for the Authority, said: "These firms are exploiting lottery fever. Consumers are aware that their chances of winning the lottery are not high and they are tempted by what look like better odds in these draws. It leaves people angry and disappointed."

Warner Brothers plans £225m film studio and park

By ERIC ROBERTS

WARNER BROS, the film studio best known for *Casablanca* and *Bugs Bunny*, plans to build the first studio in Britain since the Second World War.

Together with MAI, owner of the Anglia and Meridian TV companies, Warner Bros announced yesterday a £225 million project to include a theme park with movie-based adventure rides and scenes and sets from famous British movies. About 1,000 full-time jobs are expected to be created.

The park, to be called Movie World, would be built on a largely vacant 150-acre site in the west London Borough of Hillingdon, north of Heathrow airport. Warner and MAI hope to open Movie World in the summer of 1999.

The two companies said that borough officials were positive about the project, partly because of the job opportunities for the region. The development is forecast to generate about £200 million in annual spending in London and the South East. The companies

emphasised that Movie World was not a Euro Disney in the making. The theme park would be open only between April and October, though the studio would operate year-round, and the site would have no hotels or internal transportation systems.

Visitors — about two million are expected a year — will undoubtedly come up against Warner's cast of movie legends, including Tweedle Pie, the Tasmanian Devil, the Road Runner, Daffy Duck and Batman.

The film studio will distinguish Movie World from most of the other theme parks. With 5,000 square metres of sound-stage space, it will be the world's most modern and will help to make the west London area, home to the Pinewood and Shepperton studios, the Hollywood of Europe.

Lord Hollick, MAI's managing director, said: "Movie World will give the UK the capacity to meet the demands of an increasingly global film and TV industry."



Nick Winslow, left, and Sandy Reisenbach, senior Warner executives, flank Lord Hollick yesterday

University pays tribute to Rushdie

THE University of East Anglia has announced the award of Distinguished Fellowship in Literature for Salman Rushdie for his "outstanding achievement as a writer". The award also recognised Mr Rushdie's long-standing links with the university.

Only two others, Doris Lessing and Arthur Miller, hold this title, Mr Miller said yesterday. "There cannot be a writer more deserving of this honour than Salman Rushdie. His extraordinary art and his public life express the aspirations of this civilisation at their noblest." Last month Mr Rushdie was named 1995 Author of the Year at the British Book Awards.

Salman Rushdie, page 16
Leading article, page 17

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Why not?

Lanson

Queen Mother salutes agents who 'set Europe alight'



The Queen Mother arriving at the SOE service yesterday

By ALAN HAMILTON
AND JOHN YOUNG

QUEEN Elizabeth the Queen Mother undertook her first public engagement since her hip operation last November yesterday when she unveiled a memorial plaque in Westminster Abbey to Allied agents who died behind enemy lines during the Second World War.

More than 200 survivors of the Special Operations Executive, all now elderly and several in wheelchairs, attended the service to watch the Queen Mother, herself 95, unveil the commemorative stone to the 761 SOE volunteers who gave their lives, many by torture and execution.

Five years ago the Queen Mother, who is patron of the Special

Forces Club, travelled to the south of France to unveil a memorial to SOE at Valençay, near the spot where the first SOE agent was parachuted into the heart of Resistance country.

Looking well despite a bandaged leg, and walking with only one stick, the Queen Mother was joined by a host of veterans, many shadowy and unknown, but some recognisable, including Viscount Slim, president of the Special Forces Club, and the actor Christopher Lee, himself a wartime SOE agent.

The Special Operations Executive was established, with the approval of the War Cabinet, on July 22, 1940, its task being, in Churchill's words, to "set Europe alight". It was headed by Hugh Dalton, then Minister for Eco-

nomie Warfare, who later became Chancellor of the Exchequer in the post-war Labour government.

Like all the other "secret armies" operating behind enemy lines, it attracted men and women whose courage, linguistic abilities and taste for intrigue matched their lack of respect for military convention, and consequently antagonised the establishment.

Its creation brought objections from both MI6 and the Army, to which Dalton replied that regular soldiers were "not the men to stir up revolution, to create social chaos or to use all those ungentlemanly means of winning the war which come so easily to the Nazis".

SOE was at constant loggerheads with its rival, the Special Intelligence Service (SIS), and its

first substantive mission, in May 1941, to parachute members of General de Gaulle's Free French army into northern France, was almost frustrated by the reluctance of the Royal Air Force to supply the aircraft.

Air Marshal Sir Charles Portal, Chief of the Air Staff, said: "The dropping of men in civilian clothes to kill members of the opposing forces is not an operation with which the RAF should be associated."

But with Churchill's enthusiastic support, SOE grew in strength and numbers. Its agents were trained in burglary, safebreaking, hand-to-hand combat and silent killing. The tailors of Savile Row supplied them with clothes that would not look out of place in continental Europe, and the Science Museum provided forged

papers. From occupied France, the group's activities spread to eastern Europe and the Balkans, and to the Far East, especially Burma, where intelligence activities proved important in turning the tide of Japanese invasion.

Among its more notable tasks was the planning of the destruction of the German heavy water plant in Norway which might have given the Nazis the lead in constructing the first atom bomb.

SOE was staffed mainly by British and Canadians, but its principal task was to recruit and train local resistance movements in enemy-occupied countries. There were blunders as well as triumphs, and the price was often high. In June 1942 both the Czech and the Dutch resistance move-

ments were betrayed to the Gestapo; in August and September 1944 28 British and French SOE officers were executed in retaliation for Allied bombing raids. In July 1945 the survivors of a group operating behind Japanese lines near Singapore were beheaded.

Among the triumphs was a successful mission to France to fly out a number of agents, including François Mitterrand, the future French president, who returned to his homeland three months later to organise a new resistance movement. The value of SOE's efforts was demonstrated on D-Day, June 6, 1944, when, to reinforce the Allied landings in Normandy, it alerted 175,000 resistance fighters with the curious signal: *The violin strings of autumn wound my heart with a monotonous languor.*

Cave cut off for millions of years is home to unknown species that evolved without light

Explorers discover a lost world the apes left behind

FROM NIGEL HAWKES, SCIENCE EDITOR, IN BALTIMORE

DETAILS of a lost world cut off for more than five million years and containing 31 unknown species were described to American scientists yesterday. Rising floodwaters forced the occupants of a Romanian cave to leave behind the normal rules of life on Earth at a time when man's nearest relatives were still living as apes.

The creatures have evolved to live in darkness, without photosynthesis capturing energy from the sun, and instead live on chemical energy provided by an atmosphere of hydrogen sulphide, which would be poisonous to most life on the planet.

They were discovered when the ape-like creatures, now humans drilling the foundations for a nuclear power plant, unexpectedly broke through to the Mobile cave near Mangalia, close to the Black Sea coast, in 1986. A biologist, Serban Sarbu, began exploration when the plant was abandoned because of the unfavourable geology. His studies ended when he



led the Ceausescu dictatorship and were resumed only in 1990, after the regime fell.

Yesterday Mr Sarbu, now at the University of Cincinnati, told the American Association for the Advancement of Science how all the food consumed by the creatures in the cave came from the energy produced by the oxidation of hydrogen sulphide, a gas given off by natural sulphur springs. The creatures who have survived, and in some cases evolved, range from bacteria to spiders, beetles and scorpions. The closest known parallels are communities of creatures living around vents on the ocean floor. Mr Sarbu

said that the cave was just a small part of an ecosystem that spread underground over 100 square kilometres. "We are looking at the entire groundwater ecosystem," he said. "This particular cave is just one room in a whole maze of passages that are not accessible to us."

Most of the unusual animals are found in air pockets which can be reached only by diving. The theory is that they became isolated from the outside world when the level of the Black Sea fell about 5½ million years ago. At that time, man's nearest ancestors are believed to have been the "southern apes" of Africa.

The walls of the caves and the surface of the subterranean lakes are covered by a dense mat of microbes. DNA analysis confirms that species have been isolated for a long time. An isopod — a relative of the pill bug — has been isolated from its relations for nearly one million years, and a water scorpion appears to have evolved for between two



Into the unknown: two of the exploration team — and a watchdog pet — with biologist Serban Sarbu, right

and five million years. The microbes may be the reason why the cave system is so extensive, Mr Sarbu says. "We know that the oxidation of hydrogen sulphide will eventually lead to the formation of sulphuric acid, which will attack the limestone rock."

The animals include spi-

ders, leeches, snails, beetles, and a range of water-living creatures including nematode worms. All show a condition known as troglomorphy, with pale-coloured bodies, a reduction or complete loss of the eyes, and antennae of gigantic proportions which they use to find their way about in the

dark. Of the 47 species found in the caves, 31 were new.

Now the explorers are trying to make sure that their arrival does not upset the underworld. Working in such an unusual environment is difficult. Even breathing can cause problems, said Mr Sarbu's wife, Lumanita, a

biologist who is part of the investigating team.

"Once you start breathing, depleted oxygen, the invertebrates are used to a certain level of oxygen — and start running away." To prevent problems, only three people are allowed in the caves at any one time.

When man bites doctor, reach for the antibiotics

DOCTORS are as accustomed to being bitten by dogs as any postman. One assistant in our Norfolk practice became so neurotic about it that he wasted hours a day sitting in his car while he plucked up courage to make a dash for the patient's door. It was no good explaining that dog bites don't usually become infected.

It is different when someone is bitten by another person, as I learnt when a patient dug her teeth into my wrist: the resulting wound became most unpleasantly infected. The common clinical observation that the bites of cats and dogs are not so likely to become septic as those of a human has been confirmed by a study of animal bites by four American doctors published in the *Journal of the American Academy of Dermatology*.

In the United States, 1 per cent of people who visit a casualty department do so because of a dog bite, and half of the American population will be bitten by a dog at some time.

Usually the injury is trivial and the wound heals rapidly.



Dr Thomas Stuttford

In adults the dog usually bites a hand, arm or the lower leg but in children it tends to go for the face; a good plastic surgeon should be consulted at once. In adults, unless there is severe tissue damage or the teeth have been dug in very deeply, secondary infection is so rare after a dog bite that the paper's authors don't even recommend routine antibiotics.

Cats have sharper teeth which act like needles during a bite and carry any organisms that are in the cat's mouth deep into the tissue of the patient's limbs, or sometimes into the small joints of the hand and wrist. Infection is more common than with dogs, and if the joint is involved the patient may suffer from septic arthritis.

However, the most sinister bite of all is that of the human. Human mouths are teeming with organisms and a bite is capable of spreading bacteria or oral viruses, such as the herpes virus. Abscesses and cellulitis are frequent complications of human bites and a really savage bite can also damage underlying tendons of joints.

The wound needs careful cleansing, removal of any dead tissue and, if a cat or human bite, antibiotics as well as an anti-tetanus booster. Although the American doctors haven't found it necessary, many British doctors treat all bites as puncture wounds and give prophylactic antibiotics whether the bite has been caused by a dog, cat or human.

Electricity lines 'are magnets for toxic pollution'

By NICK NUTTALL
ENVIRONMENT
CORRESPONDENT

POWER lines concentrate car and industrial fumes into clusters of dangerous gases which could increase the risk of cancer, a scientific study has shown. Families living near busy roads and overhead cables are most at risk, according to a research team led by Professor Denis Henshaw of Bristol University.

It found that carcinogenic pollutants such as benzene and radioactive polonium from petrol are attracted to power lines "like bees round a honey pot". The scientists claim homes with naturally occurring radon gas are also affected by overhead power lines, which trigger a build-up of radioactive particles, exposing the occupants to an increased risk of cancer.

Dr Alan Preece, a member of the team, said yesterday that the worst scenario would be that of a family living near a busy road and overhead power lines in an area with high radon gas levels.

The National Radiological Protection Board, the Government's radiation advisers, yesterday dismissed the results as "speculative". But Professor Henshaw said that it had failed to understand the science behind the research.

His team had crossed the "conceptual barrier" that there was no evidence showing how exposure to electro-magnetic fields might cause cancer. "In fact such fields can concentrate a cocktail of known carcinogens," he said.

The findings, funded by the Medical Research Council, follow laboratory experiments simulating low and high-powered electric fields.

Professor Henshaw's team claim the radioactive gas particles and traffic-fume pollutants bind to water vapour or aerosols. The power lines, whose fields can penetrate homes, concentrate these hazardous aerosols. The electrical field also causes them to "oscillate", making it easier for them to penetrate the lungs and other body tissues.

"The effect we measured indoors could be even more pronounced outdoors. In homes the issue is radon gas. Outside it is other sources, of which motor-vehicle exhausts are a key one," said Professor Henshaw. Many ideas have been advanced to explain why cases of leukaemia are higher near power lines, but no link has been found.

Professor Henshaw said the National Grid might consider fitting mesh screens, which significantly reduce electro-magnetic fields, around power lines.

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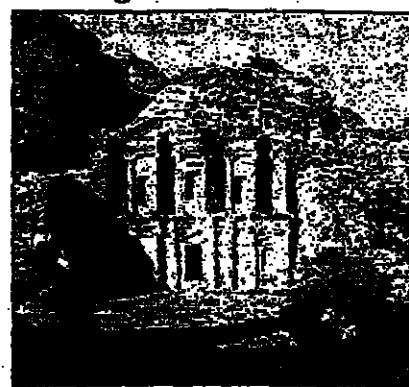
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Village wins 25-year battle to defeat quarry plan by buying hill with £1m of lottery cash

Welshmen who won an uphill battle to save their mountain

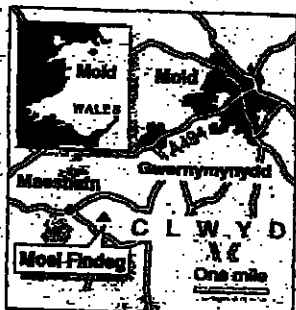
BY ALEXANDRA FRIAN
MEDIA CORRESPONDENT

RESIDENTS of a tiny rural community in Wales have been awarded £1 million of lottery money to buy the heather-clad mountain that overlooks their village and prevent it being quarried for sandstone.

The 350 villagers of Maeshafn in Clwyd plan to turn Moel Fyndeg, a picturesque 24-hectare site that is home to badgers, snakes and rare heather moorland vegetation, into a nature reserve.

The villagers put in a bid for lottery money after they lost a 25-year legal battle to prevent a local family-owned civil engineering company, F. G. Whitley & Sons, from digging up part of the mountain to produce road-building materials.

David Scruton, secretary of the Maeshafn and District Rural Association, who helped to lead the battle to save Moel Fyndeg, said that the idea for applying for a lottery grant came from his wife. Ann, after she heard a programme about the lottery on the radio. "We are delighted. It is a very large



hill really, but everybody here refers to it as 'our mountain'. Mr Scruton said: "From the top you can see the Clwydian mountain range and on a clear day you can even see the lights from the Blackpool Illuminations."

The quarrying activity would have destroyed the mountain, Mr Scruton said. "They would have built a road 100ft wide right up to it. At present the road is not even the width of a lorry," he said.

The villagers plan to start clearing up part of the mountain from the pathways over the mountain, which has had no proper maintenance for 25 years.

Geoff Rutherford, landlord of the Miners' Arms, the only

pub in Maeshafn, said that the villagers were thrilled about the grant. "The mountain is very popular with visiting walkers and rambles as well as with locals. This is a very tight-knit community and it is a great feeling for everybody here to have won this battle," he said.

Stephen Salt, chief planner of Clwyd County Council, said that the council had spent about £100,000 in legal fees trying to save the 400ft hill from being quarried. He said the nature reserve on Moel Fyndeg, which has been designated an area of outstanding natural beauty by the Countryside Commission, would be run by the new Denbighshire County Council.

The money to purchase the mountain has come from the Heritage Lottery Fund and was announced yesterday as part of an £11 million programme of 49 grants.

Peter Richards, a spokesman for F. G. Whitley & Sons, said: "The company has always appreciated that it is an area of outstanding natural beauty and that if retained it would be of immeasurable value to the public."



High hopes: some of the residents of Maeshafn yesterday in front of the hill they know as "our mountain"

Award puts class struggle on the Internet

BY KATE ALDERSON

AN elderly couple's collection of memorabilia about labour unrest has been awarded almost £198,000 from the Heritage Lottery Fund. The Working Class Movement Library was originally set up by Edmund and Ruth Frow in their semi-detached house at Old Trafford, Manchester. The collection grew so large

that it was rehoused in 1988 in a Victorian building owned by Salford city council. Mr Frow, now 99, and his wife, 73, have a flat in the three-storey building. The grant will enable the collection to be catalogued on the Internet, as well as helping to pay for a chair lift and an overhauled heating system. Students and academics travel from all over the world to visit the library. Yesterday

Mr Frow, a former trade union officer, said: "Ruth and I believe that change comes about through knowledge."

The library, now a trust, is adorned with union banners and political cartoons from the eighteenth and nineteenth centuries. The collection, monitored by the British Library, includes a trade union archive and original documents signed by Chartist leaders.

Thousands of books and pamphlets cover subjects from anarchism and the co-operative movement to Marx and working-class poetry.

Mrs Frow, a former deputy headmistress, said they were "the luckiest people alive" because they were able to live among the fruits of their labours and use the library late into the night. They have produced nine books together.

How the hunt for food helped to put words into man's mouth

BY TONIKU VARADARAJAN

Why do we have language when other animals do not? Where do we get our words from? Why are all languages, no matter where they are spoken, so broadly similar?

These questions, which should intrigue the layman as much as the linguist, formed the bedrock of last night's Reith Lecture by Jean Aitchison, the Rupert Murdoch Professor of Language and Communication at Oxford University. The lecture, the second in a series

entitled *The Language Web*, sought to explore the origins — and evolution — of human language.

Professor Aitchison said: "For centuries ideas about language origin have frothed like soap bubbles, then burst into nothing." She said the subject had long been "the focus of one weird idea after another". John Webb argued in the 17th century, for example, that Noah and his family spoke to each other in Chinese — and that it had become a serious field of inquiry in the past ten years.

The professor, of course, leads an

important part of this inquiry, as last night's lecture showed — and her next book, *The Seeds of Speech: Language Origin and Evolution*, will be published in March by Cambridge University Press.

Professor Aitchison believes that modern humans and human language "probably came from one area of the globe" — Africa. The tectonic shift that created the Great Rift Valley there, she said, stranded

humans in the arid east of the continent, pressing them to adapt in order to survive. Herbivorous man took to hunting and eating meat: it was then, also, that he may have taken to language.

In this controversial part of her lecture, the professor stated that since "evolution is as much a case of suppressing some options as it is of selecting others, language may have been a lucky choice out of a range of alternatives". As if that

were not enough food for thought for one lecture, Professor Aitchison also suggested that the communication of information was not the most important function of language.

"Language is good at transferring some types of data, especially negative reports such as 'No buses will run on Sunday' but it is bad at other types, especially spatial information, where instructions such as 'Take the third turning on the right then the fourth on the left' would be much clearer on a map."

Language, she said, was a

"patchwork of efficiency and inefficiency". Its greatest strength is not as a "fact-swapping device" but as a thread with which to weave webs of "friendship" and "deceit".

The first she describes as a kind of "mutual grooming", where humans use language "to keep in touch with one another"; the second she regards as the way we "influence and persuade one another".

Professor Aitchison's next lecture is on Tuesday at 8.30pm on BBC Radio 4.

NEWS IN BRIEF

Boy's death at funfair 'inevitable'

A boy's death on a funfair water-chute that had bolts missing was "an accident waiting to happen", Cardiff Crown Court was told. Timothy Morgan, 9, of Cardiff, was struck by a loose metal bar, knocking him 10ft onto a corrugated roof at Easter 1994.

Pai Evans, 73, owner of the fair at Porthcawl, Mid Glamorgan, admitted risking passengers' safety by failing to carry out proper repairs. He will be sentenced today.

Job claim lost

A social worker who admitted plotting to murder her former husband has lost her claim against unfair dismissal. Linda Barnes, 44, of Nailsea, Bristol, was sacked by Avon County Council after she was given a two-year prison sentence, suspended for two years, by Bristol Crown Court.

RAF pilot killed

The pilot of an RAF Hawk trainer on a routine mission was killed yesterday as he ejected on take-off from RAF Valley in Anglesey. The pilot, whose name has not been named, was alone in the aircraft when it went into a sudden roll. He ejected but was too close to the ground to survive.

Rock fan jailed

A rock fan was jailed for five years at the Old Bailey for the manslaughter of a neighbour who complained about Led Zeppelin's *Whole Lotta Love* played at full volume. David Ravenhall, 23, of Sydenham, southeast London, admitted stabbing William Clark, 44, through the heart.

Back to the river

A campaign to rebuild the stairs and steps that once gave access to the Thames is launched today. The London Rivers Association also aims to find new uses for abandoned jetties and barges. The steps had distinctive names, such as Hoy Steps, Elephant Steps and Pickle Herring Steps.

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THE EMPLOYMENT NETWORK

Rifkind dismisses call for hard line at Europe summit

By Jill Sherman and Arthur Leathley

MALCOLM RIFKIND resisted demands from Tory Euro-sceptics yesterday for the Government's White Paper on the EU to include radical proposals on the single currency and repatriation of powers from Brussels.

The Foreign Secretary dampened expectations that the paper will take a hard line on winning concessions at next month's summit in Turin. He also dismissed calls for immediate clarification of Britain's position on a single currency, and ruled out using the inter-governmental conference as a stage for confrontation on qualified majority voting.

Mr Rifkind outlined the Government's position as two rival factions — one Euro-sceptic and one pro-European — joined battle to try to influence government thinking on the White Paper.

The group of eight former whipless Euro-rebels appeared yesterday to retreat from their previous outright opposition to a single currency, but called for a referendum. In their paper, *An Agenda for the IGC*, they say that a Tory government should take Britain into a single currency only in the event of a two-thirds majority vote in a referendum.

The rebels also said that they would not support John

Major unless the party promised to withdraw from the common fisheries policy and to establish an exclusion zone around Britain's coastline.

The group's consultation paper calls on the Prime Minister to veto any extension of qualified majority voting, to safeguard Britain's immigration barriers, to reform the common agricultural policy, and to stop any move towards a common European defence and foreign affairs policy.

Their demands were dismissed as "romantic nostalgia" by the cross-party European Movement, which published its own document, *Europe 2000*. Edwina Currie, the group's vice-chairman, said that the Euro-sceptics came from "another planet... from Walter Mitty land".

She added: "The sceptics' ideas are based on the view that Britain is a top dog nation and can tell the rest of the world what to do. That was true when I was a child but in the 1990s we are a competitor nation, a nation among other equal nations."

The European Movement had put forward positive and realistic proposals for reform at the IGC, she said. "We are not revolutionaries but passionate believers in our country and its role in Europe."

The European movement, chaired by the Labour MP

Giles Radice, called for a limited extension of qualified majority voting to cover pan-European research programmes, environmental measures and funds for poorer regions. It also called for a more effective EU foreign policy by allowing states to co-operate in joint actions.

Mr Radice said: "There is a danger that the Government's position will be all symbol and no substance — policy which will play well with Euro-sceptics but lets Britain down in Turin. As a result Britain will be isolated, irrelevant, and unable to pursue our national interests."

Mr Rifkind gave little sign of being influenced by either group as he gave evidence to the European Legislation Select Committee. He suggested that ministers are unlikely to force a high-profile dispute in Turin over retaining the right of veto, and rejected calls for Britain to use European fisheries policy in making a stand against qualified majority voting.

He also dismissed demands from the leading Euro-sceptic Bill Cash for the Government to make clear its position on a single currency and to use the conference to renegotiate proposals for monetary union. "I don't think there is anything to be gained out of dealing with this at the IGC," he said.



Labour calls up Corporal Jones

By James Landale
POLITICAL REPORTER

DON'T PANIC! It's only Corporal Jones, the dithering NCO in *Dad's Army*, urging British voters abroad to back Labour.

In a move that would have sent Captain Mainwaring puce with rage, Corporal Jones, alias the actor Clive Dunn, asked for permission to speak yesterday at the launch of Labour's campaign to secure the expatriate vote at the general election. Labour aims to emulate the Tory practice of squeezing in a few extra votes by explaining to Britons abroad how they can register and take part in elections back home.

Mr Dunn, 76, retired with his wife to the Algarve eight years ago after becoming disillusioned with Tory rule. "I am a

sort of political exile," he said. "I ran away from Mrs Thatcher — we used to call her Vera Lynn with a Levels."

Although a lifelong Labour supporter, he joined the party only last year after overcoming a fear of political organisations prompted by a four-year stretch in a Nazi POW camp. "I didn't want to join anything, not even the Boy Scouts," he said. He promised to return to Britain if Labour won the election.

Would Corporal Jones have voted Labour? "That is a very difficult question," he said. "But I am certain Captain Mainwaring would have voted Conservative."

Labour MPs are being given information packs to distribute to supporters' groups while on party or personal trips abroad. Expatriates who have lived in Britain within the past 20 years can

register by post and appoint someone to vote for them by proxy. Direct postal votes from overseas are forbidden.

In 1992, however, only 34,000 of the two million eligible expatriates registered and even fewer actually voted. Of those, an estimated 70 per cent voted Tory and 20 per cent Labour.

John Prescott, the deputy Labour leader, said that winning the battle for overseas voters helped to keep the Tories in power in 1992. "Labour is not going to allow that to happen again."

Whether British expatriates respond to the Labour campaign remains to be seen. In the words of Corporal Jones: "They might not like it up 'em."

Michael Trend, deputy Tory party chairman, said: "Who do you think you are kidding Mr Dunn? It is Labour who are on the run."

Howard seeks to ease jail pressure

By Richard Ford
HOME CORRESPONDENT

MICHAEL HOWARD took steps yesterday to prevent thousands of fine defaulters from being sent to jail.

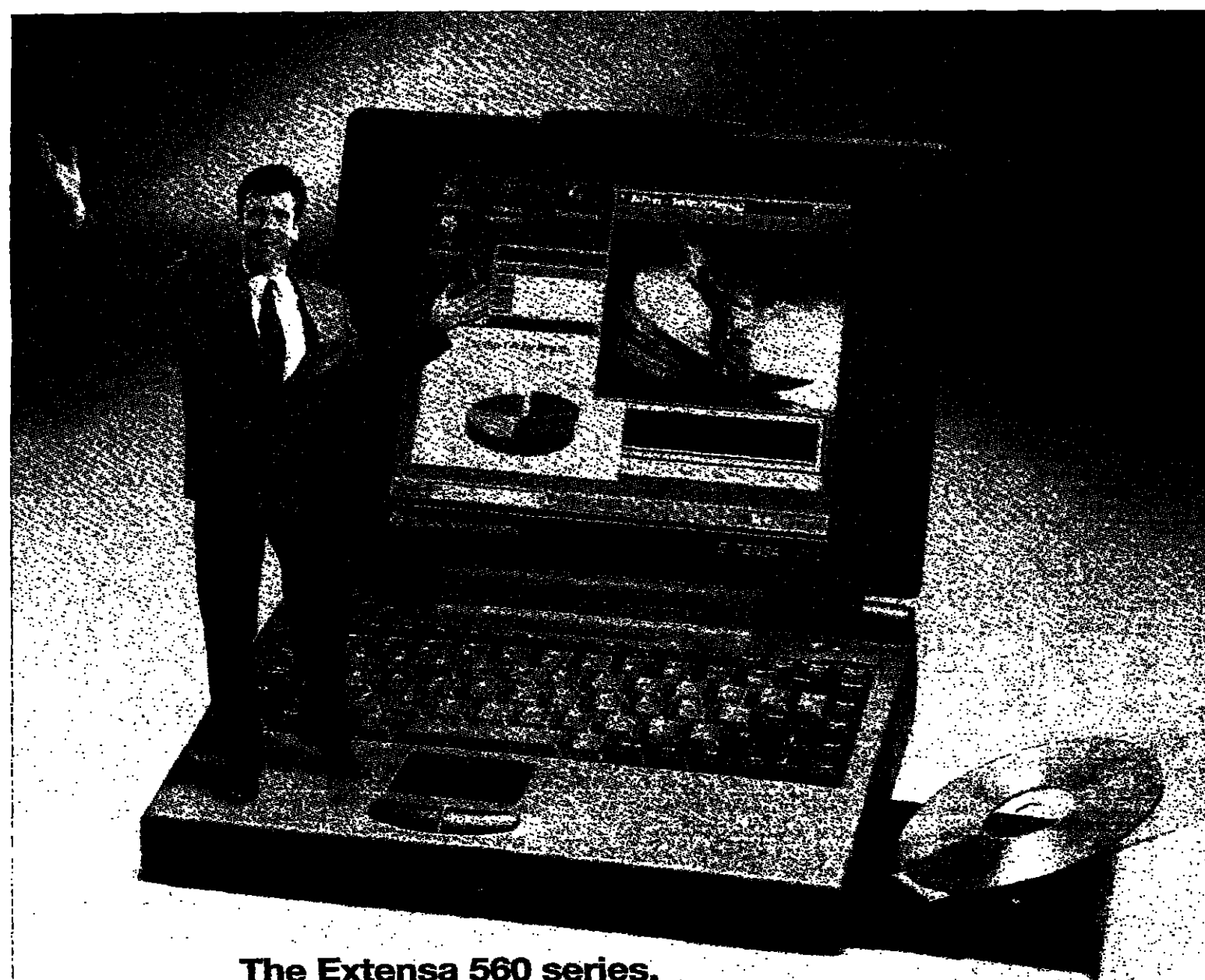
The Home Secretary has ordered a review of court powers to deal with fine defaulters after growing concern about pressure on the prison system.

"Too many fine defaulters are committed to prison," he told the annual Prison Service conference in Brighton. Up to 500 people were serving sentences for non-payment of fines at any one time and they were an "unwelcome burden on hard-pressed local prisons".

He was also unhappy that having been sentenced to imprisonment, offenders no longer had to pay their fines. "The fine is expunged, thereby frustrating the court's intention that the prisoner should pay something back to the community," he said.

Mr Howard and the Lord Chancellor, Lord Mackay of Clashfern, have set up a working party to produce new guidance for the courts to ensure that the payment of fines is enforced "without resorting to imprisonment save in the most exceptional circumstances".

Home Office research to be published later this year will show that on average each person jailed for non-payment has defaulted on three fines for petty offences.



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Field's scheme is worthy but what will it cost?

Frank Field is one of those unusual politicians who is almost above party. He has a quasi-saintly status as a man prepared to speak his mind regardless of party constraints. This has at times undermined his influence within Labour, though less so under Tony Blair. A rightly esteemed chairman of the Social Security Select Committee and an original, and prolific, thinker on welfare issues, Mr Field is admired as much, and often more, by Tory politicians as by Labour MPs. Baroness Thatcher enjoyed talking with, as well as to, him.

But his willingness to step outside conventional Labour thinking is not quite what it seems. He has many fresh ideas on welfare dependency. But, at heart, he is still committed to a redistributive system. He may engage in friendly debate with Peter Lilley. But their approaches are wholly different.

The starting points are similar since Mr Field is worried not just about the ever-rising costs of dependency but also about the moral implications. The case for the prosecution against means-tested welfare is strong, as Mr Field underlined last night in his Atlee lecture. The "uncontrollable" welfare budget would threaten any Labour government's attempt to shift priorities on, say, education and health. He argues that "far from having a clear beneficial impact, the fastest growing part of the



welfare budget is insidiously undermining the moral fabric of our society". This analysis is implicit in the welfare-to-work proposals of Gordon Brown.

It is all very well to argue, as Mr Field does, that the self-interest of individuals needs to be made to promote the common good. That leads him to argue for a return to a national insurance based system in which people make contributions and have rights, what Mr Field called stakeholding long before the term became fashionable.

The problem, as always, is those whose income is too low to contribute and therefore to build up rights. Mr Field's solution is to have the State, that is the taxpayer, make up contributions for those on low and irregular incomes. They would therefore become full participants in his proposed universal, and compulsory, funded pension (to run alongside the state pension) and in a new national insurance system. This would link with a radical restructuring of income support into a form of career planning.

The idea of a national pension board, akin to the Singapore scheme, has attracted most attention because of worries over central direction of investment. It is noticeable that Chris Smith has been very wary of a compulsory, centralised scheme following

his visit to Singapore. But the neglected question is cost since to create a funded scheme for all would require substantial government subsidies to finance the contributions of the poor up to an earnings-related level. This would have to be paid for by higher taxes or by some adjustment in the tax treatment of savings.

Similarly, Mr Field wants to break through the means test stalemate for the unemployed by reducing the current withdrawal of benefits, and hence big disincentives, for those entering work. This is a laudable aim; both economically and morally. But making up contributions to ensure that people are part of the national insurance system, even just to finance flat-rate benefits, would also require sizeable taxpayer support.

There are many attractions in Mr Field's desire to move to a system in which individuals have rights and own their assets, linking mutual aid and the private sector. That may be more politically acceptable. But, as he admits, total welfare expenditure would increase. In part, this would not go directly through the Exchequer, but through boards running these funded schemes. Nonetheless, a sizeable taxpayer subsidy would still be required. Mr Field needs to spell out the costs of his scheme.

PETER RIDDELL

Bid to protect whistleblowers

By James Landale

EMPLOYEES who blow the whistle on crime or malpractice at work will get legal protection against reprisals if a Bill published yesterday becomes law.

The Public Interest Disclosure Bill aims to end what MPs call the "culture of fear" among workers who are afraid to reveal wrongdoing. Many so-called whistleblowers in the public and private sector have been sacked or denied promotion.

The new Bill, which is set to receive its second reading on March 1, would protect

whistleblowers from being sacked, denied promotion or discriminated against if they reveal malpractice in the public interest. However, that protection is only available if they first raised the matter privately with their employers and were ignored.

The whistleblower would be able to obtain an injunction to prevent threats of reprisals and, where appropriate, claim compensation through the courts for loss of earnings, distress and damage to reputation.

The move has cross-party

support. Yesterday Don Touhy, Labour MP for Islington and the Bill's sponsor, was backed by the Tory MPs Edwina Currie, Iain Duncan-Smith and Richard Shepherd. However, ministers have yet to give the Bill their full support and it will founder without sufficient parliamentary time.

Mr Touhy said: "Employers are entitled to loyalty and confidentiality in normal circumstances. But where there is serious malpractice, it is vital that people know that the law will protect them if they act responsibly."

IN PARLIAMENT

YESTERDAY in the Commons: questions to health ministers and the Prime Minister, followed by Labour-initiated debates on the Speaker's conference on English security industry, and a backbench debate on cuts in the Coastguard service.

THE Lord debates on the Broadcasting Bill, committee stage, and on promoting UK environmental technology and service companies.

TODAY in the Commons: backbench debates on Lancashire education services; the Speaker's conference on English security industry; retail parks in north-west London; European funding for youth work projects; and discretionary purchase of bright homes. Trade and industry questions will be followed by debates on the Security Service Bill, remaining stages; Local Government Reorganisation (Compensation for Loss of Functions) Bill; Regulation of Road Traffic with Norwich — A11 and A47, in the Lords; debates on the Common Fisheries Policy; human rights in Turkey; and the Wild Mammals (Protection) Bill, second reading.

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German rejection of national service echoed in Europe

FROM ROGER BOYES IN BONN

THE German Army is in trouble. Many young Germans are rejecting military service — 161,000 registered as conscientious objectors last year — at a time when Germany is trying to project itself as a military force in the Balkans.

The figure for conscientious objectors — half the normal intake of recruits — has prompted a debate about the purpose and future of national service in Germany.

Across Europe — in France, The Netherlands, Austria and even Switzerland — governments and defence planners are considering whether to scrap conscription. If they do, it will spell the end of a tradition that resumed in modern times with the French revolutionary armies of 1792. Some trace conscription's origins to the democracy of ancient Athens.

French plans for a fully professional army have so unsettled the Germans that the subject took up a significant part of the talks this week between Alain Juppé, the French Prime Minister, and Helmut Kohl, the German Chancellor. For Germany, there are two critical issues. The first is that if some states have purely professional armies while others have a mixture of conscript and regular soldiers, it will be difficult to construct a common European army.

The different levels of expertise and experience will make units such as the Franco-German Brigade and the multinational Eurocorps even more of a muddle. As recently as the Franco-German summit of last December, Herr Kohl was still thinking in terms of conscription: he proposed that German conscript soldiers serve in the French Army.

Now even President Herzog has declared that "military service is not a generally valid, essentially appropriate principle". For Germans of the middle and older generations this came as a shock: since 1958 military service has been part of the democratic schooling of Germany.

Shrinking defence budgets and the changing nature of war have forced the rethink in Europe. The Netherlands has taken the first step by announcing that no new conscripts will be called up. All conscripts should be released to civilian life by August 30. In Austria Caspar Blenz, the Interior Minister, urged an overhaul, saying that it was enough for Austrian borders to be defended by "a form of police with somewhat heavier equipment". The Swiss are wondering whether their militia is the appropriate way into the 21st century.

The Austrian minister's comments led to protests from the officer corps and from other parties. The German debate looks set to be equally bumpy. The military preference in Bonn is to boost the value of national service rather than cut it. Conscientious objectors are meant to serve their future working in hospitals and old people's homes.

The constitution says they have to be treated equally with conscript soldiers. In practice they are better off: most weekends are free, they can wear what they want, live at home and (since soldiers have their food and rent deducted) have more cash in hand. The rush to apply to be a conscientious objector is only partly prompted by moral scruples: for the most part, it appears to be a question of comfort.

The political resistance to creating a fully professional German army has been shaped by the period leading up to the war. Professional soldiers, it is claimed, inevitably need a close professional officer corps which could be pitted against the political class.

Military service has been regarded as part of democratic education since the days of the Prussian reformers: the right to the vote was intrinsically linked with the duty to fight. When Prussia beat France 125 years ago, Gustav Freytag, a German writer, concluded that French morale had been sapped by the corrupt implementation of national service; richer Frenchmen could pay others to do their military duty for them.

Freytag claimed that fairly applied, conscription made countries less aggressive. The German leader also appears to be convinced that conscription still has a function.



Gérard Lhéan, president of the jury to find the best French baguette, examines a leading contender in Paris yesterday. Ninety-nine bakers are competing for the coveted Grand Prix de la

Paris fêtes the breadwinner

Baguette (Susan Bell writes). The winner will have the honour of supplying President Chirac with his daily bread for one year. Bread consumption in France is falling, particularly in urban areas. Parisians now eat

only 160 grams of bread a day, compared with 300 grams 100 years ago. This still adds up to an impressive 1.3 million baguettes a day. M Chirac eats one and a half baguettes every day.

France aims to halve number of troops

FROM BEN MACINTYRE IN PARIS

THE French Defence Ministry reportedly has drawn up plans to cut troops by almost half in a drastic overhaul of the armed forces.

The plan, which will be presented to President Chirac next week, would reduce the army from 240,000 troops to 130,000, scale down regiments from 186 to 83 and close at least 150 garrisons. *Le Monde* newspaper reported yesterday. The cuts would have a profound effect on Eurocorps, the European defence force created by the late President Mitterrand and Helmut Kohl, the German Chancellor, in 1992. One division reportedly facing the east is the 21,000-man First Armoured Division, the central component in the French contribution to Eurocorps.

The 14-regiment division, now stationed in Germany, would be brought back to France and then phased out. The 50,000-strong Eurocorps, made up of troops from France, Germany, Spain, Belgium and Luxembourg, would be available to Nato if required.

The plan to withdraw the First Armoured Division is unlikely to play well with France's partners in Eurocorps, who have yet to be informed of the proposals. M Chirac is expected to unveil his "radical" plans for the French armed forces in March, when the Defence Ministry will present a new budget aimed at reducing spending of £100 billion (£13 billion a year by at least a quarter).

Welcome for West's snoopers

FROM MICHAEL EVANS, DEFENCE CORRESPONDENT, IN SAVOSTLEYKA, RUSSIA

TWO hundred miles east of Moscow, in temperatures that make the wolves and elks howl and bellow at night, an elite Russian Su-27 combat fighter squadron is facing a unique challenge.

For the first time, the air-men of the 54th Fighter Aviation Regiment (air defence), hidden in the deep forests of the Nizhny Novgorod region, called Gorky before perestroika, have had to open their hangars to official Western snoopers, a British arms control inspection team who have arrived without warning.

Yesterday, Major-General Gennadiy Mukhamediyarov, the base commander, himself an Su-27 Flanker pilot, welcomed his British visitors from RAF Scampton, Lincolnshire, and led them past an avenue of silver birch trees covered in snow to a line-up of 34 Flankers sitting in the

sunshine, each stamped with a George and Dragon, a symbol of the base.

The sun had only managed to raise the temperature from -22°C (-5°F) to -14°C (6.8°F). As the Russian general looked on, British officers and NCOs who looked underdressed compared with their Russian counterparts in huge fur-lined combat jackets and matching hats, counted the Flankers and peered into the bowels of the aircraft to make a note of the serial numbers. James Bond never had it so good.

The authorised 007 in this case was a woman, Major Margaret Roberts, 35, of the Intelligence Corps, second-in-command of the team of eight Britons, one Norwegian and one Frenchman, who arrived at this once top-secret base on Monday night to fulfil the latest phase of the Conventional Forces in Europe Treaty

(CFE), signed in 1990. Under CFE data exchanges between Russia and the West, the Savostleyka base was supposed to have 37 Flankers. There turned out to be 38, four in hangars. The extra one had arrived recently from the factory. Under the treaty, the signatories only have to report increases of 10 per cent or more, so the addition was just noted down.

Russian pilots come here to convert to the Su-27 Flanker, one of two aircraft — the other being the MiG-29 Fulcrum — which have forced Britain and her Nato partners to develop even more sophisticated fighters to be able to compete. China has just signed a deal with Russia to manufacture Flankers on licence.

CFE inspections are a serious business, but there is also a degree of comedy. To the veteran inspectors who have

been travelling round Russia and the former Soviet republics, CFE also stands for "Charter For Eating" or "Continuous Food Eating". Under the treaty, the host country receiving an inspection has to guarantee to provide three meals a day.

The serious and the comic combine to build friendships with the Russians. Gone are the stiffness and formality of the bad old days. Once the work is done by the inspecting team, the generals, colonels and sergeants relax.

General Mukhamediyarov, 45, who has been to the American Ellensdorf air base in Alaska and has flown an F15, spoke without nostalgia of the Cold War days. He said: "Now I wish the British people health, wealth and happiness. But this is not an official point of view, it is from my heart."

America rules out manhunt for Serbs

BY MICHAEL BINYON AND EVE-ANN PRENTICE

RICHARD HOLBROOKE, the American negotiator in Bosnia, arrived in London yesterday for talks after Washington had approved the transfer to The Hague of two senior Serb officers arrested by the Bosnian Government. He said the action underlined American insistence on bringing to justice those guilty of war crimes.

Before Mr Holbrooke left Bosnia, William Perry, the US Defence Secretary, announced a tactical change in the hunt for war criminals. He said that Nato troops would be given photographs of suspects to make it easier for them to be detained at checkpoints. But he said the peacekeepers would not conduct manhunts for the suspects.

Over lunch today with Malcolm Rifkind, the Foreign Secretary, Mr Holbrooke will review his tour of Balkan capitals, undertaken to rescue the Dayton accords from collapse over the arrest of the suspected war criminals.

Mr Rifkind will have talks in Sarajevo next week during a three-day tour of the Balkans, including Albania and Greece. He will emphasise the importance of the civilian provisions in the Dayton deal, especially the timetable leading to elections by the end of December.

Nato's delivery of the two Bosnian Serb military officers to the war crimes tribunal in The Hague has been criticised by Russia.

The move also prompted the Bosnian Serb delegation to boycott talks in Vienna aimed at disarmament in the former Yugoslavia.

In the Serbian capital, Belgrade, Vojislav Seselj, the Serbian ultra-nationalist leader and former ally of Slobodan Milosevic, was reported to have applied for a Dutch visa in hopes of testifying against the Serbian President at the war crimes tribunal.

Mr Seselj, who heads the Serbian Radical Party, was quoted as saying that if he got the visa, he would visit The Hague, but that he expected "concrete benefit" from giving voluntary testimony. His paramilitary troops fought in Bosnia when he was allied with Mr Milosevic.

Dutch Embassy officials last night refused to confirm the visa application.

Lost Gothic angel is home after 20 years

BY BEN MACINTYRE

THE Angel of Humbert, one of two beautiful, 13th-century wooden statues that were stolen from a tiny church in northern France, has been returned after 20 years.

The "smiling statue" is one of the finest surviving examples of Gothic carving and its return marks the latest chapter in a saga involving French revolutionaries, a Belgian smuggler, a British collector, and now, in all probability, the European Court.

The statue was one of seven angels carved between 1265 and 1270 for Arras cathedral. Arras was the birthplace of Robespierre, the revolutionary leader. In 1789, with France gripped by lawlessness, the statues were removed to keep them safe from looters.

At least that was the theory, but by the beginning of this century the statues had been dispersed: two are in an Arras museum, another is in the Louvre and two more found their way to New York.

The last two angels ended up in the church of the little town of Humbert in the Pas-de-Calais region, where they remained until 1976 when robbers stole them.

In April 1994, René van den Bergh, a notorious but latterly repentant international art trafficker better known as "Eric the Belgian", declared that he had discovered and restored one of the missing angels. It transpired that he represented a British art connoisseur living in Gibraltar, Denis Jimenez, who had purchased the statue in good faith from a Portuguese art dealer.

Mr Jimenez, not wanting stolen goods on his hands, began the process of returning the statue to France via Spain. It is now being held by Paris police while experts appraise and value it. But the angels' tale may not be over yet. Mr Jimenez's widow may file a suit, claiming it was acquired legally.

Stolen of the angels of Arras are back in France, but the seventh, also stolen from Humbert church, remains on the wing in parts unknown.



The Angel of Humbert, left, is back in France.

Bundesbank hints at euro delay

BY GEORGE BROCK

THE head of Germany's Bundesbank joined a growing chorus of hints that Europe's single currency might have to be delayed by publicly conceding for the first time yesterday that the timetable might have to be changed.

Hans Tietmeyer, the Bundesbank President, told industrialists in Frankfurt that delay would be preferable to any relaxation of the strict rules that will determine which EU states can join the union.

The currency union, once set in motion, cannot be allowed to derail. If necessary, a delay is less problematic, he said.

The Bundesbank's opinion on whether workable monetary union can be created on schedule in 1999 is an important influence on German public opinion. M Alain Juppé, the French Prime Minister, was forced to acknowledge in Bonn this week that monetary union might have to be postponed.

Murders of Italian women seen as price for liberation

FROM RICHARD OWEN IN ROME

ITALIANS were shocked this week by a spate of murders in which the victims were women. The crimes have led sociologists to speculate that the growing independence of women may be provoking a backlash in a minority of violent men. In several cases the women were stabbed repeatedly.

In a map captioned "Italy stained with blood", *Il Messaggero* summarised eight recent murders of women, which were also featured on nightly television bulletins.

Police point out that the motives in each case were different: a love affair gone wrong, attempted robbery, drugs or a possible argument over money and debt.

However, Italians are wondering whether Italy is becoming a more violent society, with women as easy targets.

Raffaele Morelli, a psychiatrist, says the murders are "the price Italian women are paying for women's liberation".

Men, Dr Morelli said, have not yet accepted the fact that women are taking more control of their lives.

A police unit for the analysis of violent crimes is examining the incidents, staffed by lawyers, psychologists and doctors as well as police. Its head, Salvatore Montanaro, said: "Today Italy is an industrialised, technological, multicultural society in which violence is more and more accessible, as in America." He suggested Italy may have a serial killer at work.

The preoccupation with the murders comes a few days after women MPs forced through a Bill overturning a Mussolini-era law which had defined rape as a crime against "public morality". The law, still to be passed by the Senate, makes rape a crime against the person and increases penalties for sex crimes.

The feminists dismiss the argument that crimes against women are on the increase

because women's liberation has gone too far in a country used to Latin traditions of male dominance and pride.

"We are building a new culture of respect for women's bodies," said Daniela Monteforte, a women's rights campaigner.

Women's groups say crimes against women are not new, and much rape within the home has gone unreported for years. The focus on attacks on women and girls has also led to the setting up of a much-used hotline for frightened or oppressed women, called Telefono Rosa, which from modest beginnings has become a powerful campaign centre for women's rights.

□ Florence: A court of appeal cleared Pietro Pacciani, 70, a farm labourer, of 14 sexual serial killings attributed to a murderer dubbed "The Monster of Florence". He had been convicted of the seven double murders in November 1994, but repeatedly protested his innocence. (Reuter)

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Senator hails narrow win in state he claimed as his own but still looks a likely November loser

Dole's hollow Iowa victory exposes front-runner's flaws

FROM TOM RHODES IN DES MOINES

THE first heat in the prolonged race for the White House left Robert Dole, the Kansas senator, all but crippled yesterday as he limped away from the Iowa caucuses as the most hollow victor in a state that he had always claimed as his own.

After a six-month campaign in the Midwestern heartlands, in farms, churches and cities throughout Iowa, Mr Dole gained just 26 per cent of the vote. He was only three points ahead of Pat Buchanan, the conservative commentator whose artful campaign and populist message produced a final surge in the polls.

Lamar Alexander, the former Governor of Tennessee, came third with 18 per cent after peddling a positive campaign to combat a blizzard of negative advertising that had produced a turnout of fewer than 110,000.

Their backlash against the more than \$4 million (\$2.6 million) with which Steve Forbes had saturated the radio and television airwaves in the Hawkeye state managed to leave the multimillionaire publisher in fourth place, with 10 per cent of the vote. Phil Gramm, the Texas sena-

tor, was deemed dead in the water after insisting he would come third but managing only fifth place on 9 per cent.

The real story of Iowa lay with Mr Dole, however. A native of the neighbouring state of Kansas, he had always been considered the man best placed to secure the rural vote

THE VOTING

Robert Dole	26%
Pat Buchanan	23%
Lamar Alexander	18%
Steve Forbes	10%
Phil Gramm	9%
Alan Keyes	7%
Richard Lugar	4%
Morry Taylor	1%
Bob Dornan	less than 1%

in Iowa and to proceed with a sedate campaign for the presidential nomination later this year. Instead, the senator flew to the New Hampshire primary yesterday as the weakest winner in the caucuses' 24-year history and the uncomfortable front-runner of a divided Republican Party.

Challenged by both Mr Buchanan, now considered the true conservative candi-

date, and Mr Alexander, who is fast assuming the role of Washington outsider, Mr Dole, 72, faces a protracted and bloody battle. He had fallen well below the 37 per cent with which he won Iowa in 1988 and short of the 30 per cent that aides had said privately he needed to achieve momentum for the critical primary next week. In effect, nearly three-quarters of Iowa's rank-and-file Republicans would prefer to see another nominee.

A victory speech in Des Moines had emphasised Mr Dole's age and an increasing fear among party officials that he is incapable of beating President Clinton in November. The senator stood at the podium, a burst blood vessel in his eye winking at the cameras and his withered right hand clasped firmly to one side. "Thank you, Iowa, that's twice in a row," said Mr Dole in a tone which suggested relief more than confidence. "We withstood a barrage of millions and millions of dollars of negative advertising and came out on top... Tonight was the first big step on our road to return conservative common sense to the White House."

Such traditional conservatism had found only mild support in Iowa. There were signs that many under 65 placed little importance on Mr Dole's heroic Second World War record and consider his length of service on Capitol Hill to be a liability. "The Republican Party respects Dole, but they don't think he is the man to lead them into the next century," said Fred Barnes, a columnist.

As in 1988, the Christian Right had played a key role in the Iowa caucuses and turned the campaign away from issues such as the flat tax and a balanced budget towards a fervent call for a new morality in America. At least a third of those who voted on Monday belonged to the growing evangelical movement.



Lamar Alexander, accompanied by his wife, Honey, is hugged by a supporter after giving a triumphant speech at a rally in Des Moines.

Alexander, the old campaigner, has his day

Success for Lamar Alexander comes after two years of vainly seeking recognition, writes Martin Fletcher in Washington

LAMAR ALEXANDER wasted no time in capitalising on his surprisingly strong third place in Iowa's caucuses. He thanked his supporters at a jubilant Des Moines rally, sped to his waiting plane, and was stumbling before dawn in New Hampshire.

It was an exceptionally sweet moment for the former Tennessee Governor who has campaigned in almost complete obscurity for two years — longer than any other candidate. In all that time he never made double figures in the polls and was gently mocked by the media.

"I'm a little bit like a country music singer who's been singing in every bar for 25 years and one day is suddenly discovered," he would patiently tell sceptics. Now that day has come.

Mr Alexander is a distant fourth in most New Hampshire polls, but now has the

potential to cause a major upset in next Tuesday's primary. The Granite State's Republicans will have to give the bright, personable 55-year-old a second look following his Iowa performance and, given Robert Dole's weakness, may well find themselves attracted.

Mr Alexander is a moderate conservative like Mr Dole, but has a boundless energy and a sunny disposition that the elderly Senate leader lacks. He is soft-spoken, pleasant and unthreatening whereas Pat Buchanan, the right-wing broadcaster who also emerged triumphant from Iowa's winnowing process, bludgeons and divides.

Mr Alexander has done the requisite spadework in New Hampshire, walking 100 miles across the state last autumn. He has the lowest "negatives" of any candidate, having spurned his rivals' mudslinging. He is well placed to win over Steve Forbes's more socially liberal followers if the publisher's collapse continues, but his strongest suit is what he calls his ABC — Alexander Beats Clinton.

He presents himself as the only Republican with the vision, dynamism and appeal to centrist voters to defeat the Democratic President — another former Southern Governor — and he certainly

convinced many Iowans. Of the 16 per cent of Monday night's voters who named Mr Clinton's removal as their top priority, 46 per cent backed Mr Alexander and 33 per cent Mr Dole.

Mr Alexander was brought up in Tennessee, trained as a lawyer, and worked briefly in the Nixon White House and as a Senate aide. He was elected Governor in 1978, after walking 1,000 miles across the state, served two successful terms, and then became president of the University of Tennessee.

After two years as President Bush's Education Secretary, he took his wife and four children to Australia for a six-month break. He has been running his "stealth" campaign for President ever since, spending more than 80 days in Iowa alone.

To complete his armoury, Mr Alexander is also an

accomplished pianist who plays Alexander's Ragtime Band at rallies. But he also has some obvious weaknesses. He is short of cash, though spending power did nothing for Mr Forbes or the Texas senator, Phil Gramm, in Iowa.

He is running as a Washington "outsider" who would devolve power wholesale not just to the states but also to communities, but has in fact done three separate stints in the capital. He claims that he stayed "long enough to be inoculated but not infected".

He presents himself as a man of the people, wearing a trademark red-and-black flannel shirt at every opportunity, but is in fact a multimillionaire whose political status opened doors to some lucrative deals. The way things are going, Clinton campaign operatives will soon be starting to investigate them.



Dole: struggling to remain front-runner



Forbes: spent millions on broadcast campaign

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Evangelical army on the march

Buchanan goes from strength to strength

By TOM RHODES

THE air was thick with debate at the home of Danny Bolt in suburban Des Moines as 24 defenders of Iowa democracy sat in the smoke-filled drawing room to debate a future Republican presidency.

Mr Bolt, an occasional decorator and property manager, had organised the smallest of the city's caucuses at his house and was launching into a strident attack against the anti-abortion rhetoric of the Christian Right.

"I think it is a single platform which is trying to dominate the Republican Party, and I find it both revolting and disrespectful," he said. John Helvig, an estate agent, and Larry Smith, a wholefood supplier, leapt to their feet in defence of American morality, the issue that dominated the living rooms, churches and rural backwaters of Iowa this year. They and eight others in the room had already voted for the candidate who best expressed a groundswell of opinion against the creeping liberalism of President Clinton, and that was Pat Buchanan.

The result of this tiny exercise in democracy placed Mr Buchanan an easy first, six votes ahead of Robert Dole, the Kansas senator. The figures were checked, then telephoned through to the convention centre in Des Moines where they played a small but significant part in securing second place for the conservative commentator.

The United States has found it hard to credit the rise of Mr Buchanan, whose nationalist sentiments, protectionist platform and moral stance are consistently condemned as too radical for the mainstream Republican Party. In the space of only two weeks, however, he has won races in Alaska and Louisiana, has come an unexpected second in Iowa, and is looking increasingly strong in New Hampshire.

A straw poll in California, a state deemed unlikely to give

THE REPUBLICAN ELECTION CALENDAR

Between now and the end of June, Republicans will be picking delegates in a variety of ways for the party's presidential nominating convention in San Diego, from August 12 to 15.

A total of 1,960 delegates will be chosen in primary voting, at party meetings known as caucuses, at state conventions and by party officials. The winning candidate will need 998 delegates — one more than half — to become the Republican White House nominee for the presidential election on November 5.

These are the key dates on the Republican campaign calendar followed by state, (s) for caucuses, (p) for primary, (con) for state convention and number of delegates.

Feb 6 Louisiana (c) 30	March 19 Illinois (p) 69
12 Iowa (c) 25	Michigan (p) 57
17 Guam (con) 4	Ohio (p) 67
20 New Hampshire (p) 16	Wisconsin (p) 36
24 Delaware (p) 12	California (p) 165
27 Arizona (p) 39	Nevada (p) 31
North Dakota (p) 10	25 Washington (p) 21
Spring (p) 11	
(p) 32	April 2 Kansas (p) 20
(p) 14	23 Pennsylvania (con) 48
(p) 27	27 Alaska (p) 14
(p) 23	May 4 Wyoming (con) 20
Georgia (p) 42	7 District of Columbia (p) 14
(p) 15	Indiana (p) 52
(p) 37	North Carolina (p) 58
(p) 35	14 Nebraska (p) 24
(p) 46	West Virginia (p) 18
(p) 12	17 Missouri (con) 36
(p) 102	21 Arkansas (p) 20
(p) 98	28 Idaho (p) 23
(p) 35	Kentucky (p) 43
(p) 15	Alabama (p) 20
(p) 15	Mississippi (p) 10
(p) 15	South Carolina (p) 10
(p) 15	Tennessee (p) 10
(p) 15	Virginia (p) 10
(p) 15	Washington (p) 10
(p) 15	West Virginia (p) 10
(p) 15	Wisconsin (p) 10
(p) 15	Wyoming (p) 10

Virginia's caucuses are in limbo over a court case. The state has 53 Republican delegates. Dates not set for caucuses in Hawaii (14 delegates), American Samoa (4 delegates), and the US Virgin Islands (4).

credence to his assaults on large corporations and free trade, this week placed him second behind Mr Dole, the beleaguered Republican front-runner for the presidential nomination. Commentators who had said Mr Buchanan would fade, as he did after crippling George Bush in the 1992 New Hampshire primary, are beginning to sit up and take notice.

Charismatic, literate and charming to all who meet him, Mr Buchanan is riding a rollercoaster of success and exploiting the lacklustre qualities of his rivals. He talks of economic treachery in the North American Free Trade Agreement and the General Agreement on Tariffs and Trade, of rural firms closing and of the moral decline of America. And the less privileged applaud him for it.

At meetings throughout Iowa last week, he received standing ovations from small businessmen, members of the Christian coalition and even from certain farmers under-terred by his wish to curb imports to the state.

In stark contrast to Mr Dole's victory party, the Buchanan fiesta at the Holiday Inn in Des Moines was packed with chanting and screaming supporters, a rally of momentum rather than a wake for lost opportunity.

The test will come next week in New Hampshire, where Mr Buchanan's economic nationalism may play less well and where the evangelical army of the Right is weaker. Its influence is felt in other states, however, and it will be impossible for any candidate to ignore the message it has sent from Iowa.



Buchanan: charismatic and armed with charm

troops
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lovers enjoy a

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Zaire troops fail to make Rwandans return home

By SAM KILEY, AFRICA CORRESPONDENT

HUNDREDS of Zairean troops blockaded the largest Hutu refugee camp in Goma yesterday at the start of a campaign to drive the inmates back to neighbouring Rwanda.

The soldiers, a mixture of commandos and armed gendarmes, prevented any of the 190,000 Hutus from leaving Kibumba camp, and set up roadblocks which allowed only essential supplies of aid to pass into the teeming settlement.

Other troops employed as a camp police force by the UN Commissioner for Refugees for the last six months were patrolling the shanty avenues of Kibumba, asking Hutus to return home.

"The situation is very tense, but calm so far. The Zaireans have given assurances that they will not enter the camp to force people home. Hutus are just standing around in groups staring at the soldiers," said Allison Campbell, a spokeswoman for Care, one of many agencies which are preparing relief supplies in case the Hutus cross into Rwanda en masse.

Kibumba and other camps in Zaire and Tanzania have become cities in the past year and a half. The Hutus have built guesthouses, bars and schools and started businesses. Their host countries have agreed with the UN refugee agency that the camps should be closed before they become permanent settlements.

The camps have also been hotbeds of Hutu extremism, where militia members responsible for the genocide of a million of their Tutsi countrymen and Hutu moderates in 1994 have been training, rearming and

launching attacks against the Tutsi regime in Rwanda. Tutsi residents of Zaire, themselves victims of Hutu onslaughts dating back to 1959, have also been targeted by Hutus in their villages in Zaire.

"Rwanda is just four kilometres away from the camp. The UNHCR and the Zairean authorities have set up a crossing-point for them and sent in trucks to transport them. But not a soul has opted to go home yet," Miss Campbell said.

Rwanda's Tutsi-dominated Government, which came to power after defeating the Hutu army, whose energies went largely on slaughtering civilians, has imprisoned 63,000 people suspected of taking part in the genocide in overcrowded jails. Few Hutus living in Zaire dare to return to Rwanda for fear of facing a similar fate.

"The aim of the Zairean authorities appears to be to make life in the camps so unpleasant and boring that the Hutus will want to return to Rwanda. But this is unlikely to succeed. Using force might, but it is more likely to end in bloody chaos," said a Western aid worker in Goma, the once sleepy town beside Lake Kivu which is now dominated by the vast refugee camps lying near by.

One frightened refugee said: "We have not been told what is happening; it all depends on the will of the Zaireans. I do not want to go back to Rwanda."

The relatively small Zairean contingent deployed so far could be reinforced from the local barracks where 1,500 men are stationed, and by air from the capital, Kinshasa, where the better-equipped Special Presidential Division is based.

The number of soldiers taking part in yesterday's operation encouraged aid workers, who said that a larger number was likely to have become unruly and aggressive. "It is a relief they are outnumbered. A bigger number would indicate that the Zaireans were preparing to use force," a senior UN source in Goma said.



Massimo Troisi, left, who died soon after the completion of filming, with Philippe Noiret and Maria Grazia Cucinotta in *The Postman*

British director tops Oscar nominations

By DALYA ALBERGE, ARTS CORRESPONDENT, AND GILES WHITTILL IN LOS ANGELES

THE British director Michael Radford's *The Postman*, the story of an unlikely friendship between a postman and a poet in 1950s Italy, swept the boards at the Oscar nominations yesterday. The star, who was nominated for Best Actor, saw nothing of the film. Massimo Troisi died 12 hours after filming ended.

The film, in Italian with Italian stars, was singled out for Best Actor, Best Film, Best Director, Best Adapted Screenplay and Best Music. Radford recalled yesterday that Troisi's last words to him were: "I'm sorry I couldn't give you my best. In the next five pictures we do together, you'll see the real me." The director said: "I just wept. He looked like a ghost."

Other nominees, in a lean year for American films but a strong one for foreigners, were the British actors Emma Thompson and Sir Anthony Hopkins, and a talking Australian pig.

Nominated for both Best Actress and screenplay for *Sense and Sensibility*, Ms Thompson becomes a favourite for at least one Academy Award on March 25. Other

British contenders include: Kate Winslet as Best Supporting Actress (*Sense and Sensibility*), Tim Roth as Best Supporting Actor (*Rob Roy*), and Mike Figgis as Best Director (*Leaving Las Vegas*). Sir Anthony's Best Actor nomination for *Nixon* was his third in five years.

No clear favourite emerged for Best Film, leaving room for two exotic nominees: *Babe*, the surreal story of a pig which finds a calling as a

sheepdog, and *The Postman*. Radford's moving fable is the first foreign-language film to be nominated in the top category in more than 20 years.

The other Best Actor nominations went to Nicolas Cage, as the suicidal drunk in *Leaving Las Vegas*, Sean Penn, who spends most of *Dead Man Walking* on death row, and Richard Dreyfuss, enjoying a comeback at the box office as a music teacher in *Mr Holland's Opus*.

In the Best Actress category, Ms Thompson faces tough competition from Susan Sarandon (*Dead Man Walking*) and Elisabeth Shue (*Leaving Las Vegas*). Sharon Stone and Meryl Streep were also nominated.

Two other British nominations were *A Close Shave*, for Best Animated Short, by the Bristol-based master of animated clay, Nick Park, and *The American President* won only two nominations between them. Voters also surprised critics who have raved over the deeply depressing *Leaving Las Vegas* by denying it a Best Film nomination.

Park has already won two Oscars and the number of nominations for *A Close Shave* matches that of *Waterworld*, the most expensive movie ever made. The Kevin Costner epic was nominated for its sound.

Refreshingly, the 5,043 Hollywood insiders who vote on the Oscars steered "clear of bland, excessively promoted fare. *The Bridges of Madison County* and *The American President* won only two nominations between them. Voters also surprised critics who have raved over the deeply depressing *Leaving Las Vegas* by denying it a Best Film nomination.

Two action-packed blockbusters — *Apollo 13* and Mel Gibson's *Braveheart* — are in the running for Best Film and a brace of supporting awards, winning nine and ten nominations in all respectively. But for the first time in three years, Tom Hanks, the star of *Apollo 13*, was left out of the Best Actor stakes.

Woody Allen won his twelfth screenplay nomination for *Mighty Aphrodite*, bringing him level with Billy Wilder's record.



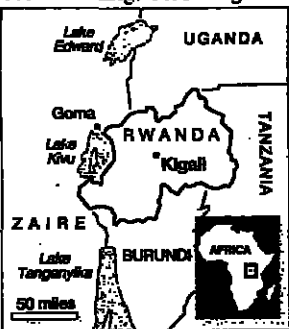
Hopkins: Best Actor nomination for *Nixon*



Shepherd and would-be sheepdog in *Babe*



Thompson: nominated in two categories



Fears for life of boy Lama

Hong Kong: The Dalai Lama fears that the six-year-old boy he had picked to be the next Panchen Lama may have been executed by the Chinese (Jonathan Mistry writes). Peking has installed its own "soul boy" as the second highest religious figure in Tibet.

Neither the Dalai Lama's choice, whom he described as "the youngest political prisoner in the world", nor his family have been seen since last July. Yesterday Tenzin Gyatso, his private secretary, said from their exile home in Dharamsala, India, that the Dalai Lama feared the boy, identified as the reincarnation of the Panchen Lama, may have been "killed, drugged or put in some sort of asylum where he will be rendered useless".

Kim's ex-wife 'set to defect'

The former wife of Kim Jong Il, the North Korean leader, has sister and niece are believed to be in hiding in Europe preparatory to defecting to Seoul (David Watts writes). Sung Hye Lim, who is on the run from a Geneva apartment, is known to have given birth to Kim's eldest son, Kim Jung-Nam, now 26. Her defection would be a propaganda coup for the leaders of South Korea.

EU urges end to Rushdie fatwa

London: The European Union marked the seventh anniversary of the publication of Ayatollah Khomeini's fatwa against Salman Rushdie by urging Iran to annul the call for his death and abide by international law (Michael Binyon writes). The death pronouncement was made in response to Rushdie's novel *The Satanic Verses*.

China rules out Olympic boycott

Hong Kong: China will participate in next summer's Olympic Games in Atlanta even if Taiwanese leaders attend (Jonathan Mistry writes). The decision was confirmed in Peking by Shen Guofang, a Foreign Ministry spokesman, who repudiated earlier hints of a boycott.

Oriental lovers enjoy a chocolate orgy

FROM JONATHAN MIRSKY IN HONG KONG AND PEREGRINE HODSON IN TOKYO

LIKE all other deeply sentimental and commercial Western holidays, Valentine's Day fever is enveloping the Far East.

Roses, perfume, chocolates, silk scarves and banquets featuring pink food dominate advertising while the prices of all these good things double. In Hong Kong, flowers normally costing £30 at most are now demanding £75, while a smallish, possibly Italian silk scarf is £150. Restaurants, typically, promise pink food, including roast chicken.

The same degree of vigorous celebrating holds true for Christmas and Easter, which result in an orgy of present giving and advertising. Mothers

and fathers are, of course, honoured in the Confucian tradition, but this too is accompanied by wildly expensive flowers, the giving of diamond-studded watches, silver-mounted pipes, and vast dinners.

Chocolate consumption in China is soaring. At Peking department stores, foreign brands offer roses and paper hearts as gifts for lovers buying chocolate. Buyers are plentiful. Chocolate consumption more than doubled to almost 22,000 tonnes in 1994 from 9,500 tonnes in 1988.

In Japan, 23 million tons of chocolate worth about £300 million will be given by women to the most important

men in their life — their company bosses and co-workers. A study by a Japanese chocolate manufacturer reveals that more than 80 per cent of Japanese women give chocolate to people "who help them", while only 20 per cent give chocolates to their lovers or husbands. Japanese men do not give chocolate on Valentine's Day.

As with so many things, Japan has adopted the festival of love and turned it into something peculiarly Japanese: a dutiful ritual of loveless present giving. The gift of *giri-choco* — or obligatory chocolate — is an annual chore for Japan's female workforce, enforced by peer group pressure, and driven on by Japan's powerful chocolate manufacturers. More than 10 per cent of the nation's chocolate sales are made on Valentine's Day.

The size and value of a *giri-choco* gift is rigorously determined by the recipient's status. On average, chocolate for the president of a company is five times more expensive than for a colleague of equal status, while an office section chief merits only three times the value.

The presidents of powerful companies such as Mitsubishi or Toshiba presumably receive several tons of *giri-choco*, which raises the interesting question — what do they do with it?

In search of a monster

New York: A natural historian is heading for the South Pacific in search of the sea world's most chilling, mysterious mollusc: the giant squid (Quentin Letts writes).

Clyde Roper, of America's Smithsonian Institution, plans to enter a mini-submarine and descend more than 3,000ft in the hope of finding *Architeuthis*, the monstrous squid that can grow as long as a bus, has eyes the size of a football, and inspired Jules Verne. A few examples of the species have been found, dead, in the nets of terrified antipodean fishermen, but no modern man who saw one alive has ever returned to tell the tale.

Couple to swap 'virtual vows'

FROM GILES WHITTILL IN LOS ANGELES

JOSEPH PERLING and Victoria Vaughn, both of Los Angeles, plan to celebrate Valentine's Day by getting married. They will be five miles apart, blessed by a clergyman equidistant from them both, with a best man in New York, a maid of honour in Seattle and guests on several continents.

They will be linked, in a miracle of technology and a resolute denial of romance, by computer. Weddings are not new on the expanding frontiers of cyberspace, but hitherto participants have usually sat side by side to type in their "virtual vows". Computerised ceremonies have often been publicity stunts by software

companies, but Mr Perling and Miss Vaughn are breaking new ground, according to the on-line service acting as their host, by having an exclusively electronic wedding and by being physically separate for it.

Their motive seems to be pure nerdishness. The bride lives in Hollywood, the groom a half-hour drive away on Venice Beach and his father, the Rev John Perling, who is due to marry them, in Beverly Hills.

The three could easily meet for the ceremony, but the fact that they have chosen not to does not mean it is being undertaken lightly. Mr Perling senior insists: "This is a

liking union of two people, blessed by God," he said. "Joseph and Victoria's vows are sacred and heartfelt even though they will take place in a virtual church." Technically, the congregation will consist not of humans, or even virtual humans, but of "avatars" — subscribers to the "dreamscape graphical world" that has organised the wedding.

In addition to modems and computers, which can access the service for \$2.95 (£1.96) an hour, guests need specific software. Joseph and Victoria solved this problem months ago. Instead of wedding invitations, they sent out floppy disks.

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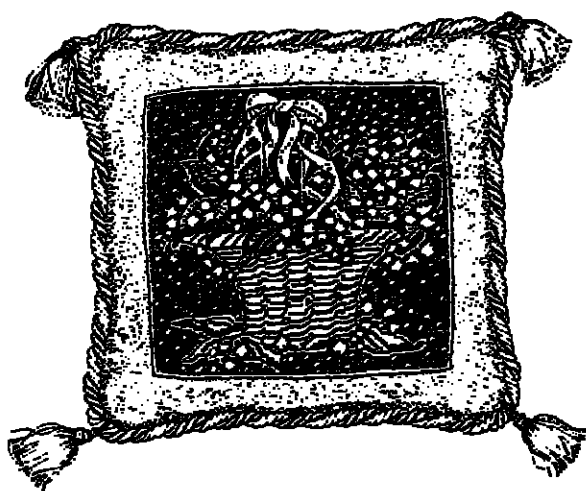
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Lean, mean and so Italian



Candace Bahouth's *Lily of the Valley* From Ehrman Tapestry



Taken from her recently published book *Romantic Needlepoint*, Candace Bahouth's *Lily of the Valley* is a foretaste of spring. The basket of flowers, with its pale pink bow, is set on a powdery blue background sprinkled with a shower of golden dots. The design is surrounded by a patterned border stitched in a combination of ivory and primrose yellow.

Measuring 14" x 14" the design is printed in full colour on 10 holes to the inch canvas. 100% pure new wool from the Appleton range is used and the pattern can be worked in either half-cross or tent stitch. The kit costs £39.50 including postage and packing and comes complete with wool, canvas, needle, instruction leaflet and a black and white symbol chart for cross-reference. When ordering use FREEPOST - no stamp is needed.

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ITALIAN fashion is back in fashion. Around the globe the labels to flaunt are Prada and Gucci - two traditional fashion houses who have revamped and repackaged themselves with high-profile bluster to become the current darlings of the demi-monde.

However, away from the fashion spotlight another Italian designer, Nino Cerruti, has been quietly making a few changes over the past couple of seasons which could put his long established label, Cerruti 1881, back on everybody's lips ... and hips.

The decidedly debonair designer, who took over the family textile business in 1950, added men's clothing in 1957 and a womenswear line in 1976, looks to be back on top form with his updated classics. His latest spring/summer collection, worn on this page by the model of the moment, Stella Tennant, was a tremendous success when it was unveiled on the catwalk in Paris. Although the designer is Italian he has always considered Paris to be the capital of fashion. He moved his company there in 1967 and launched his fashion house at the Place de la Madeleine.

What had become a sober and somewhat worthy line at the tail end of the 1980s suddenly looks fresh again. The clean-cut silhouettes and less-is-more styling, the work of new design director Narciso Rodriguez (ex-Calvin Klein) and arts director Marc Ascoli, exactly fit fashion's current brief - what Cerruti calls "fashion reduced to its simplest".

The success of such precise cuts and understated styling relies heavily on the quality of the fabrics, which is where Cerruti's background in textiles and his technical know-how give him the edge. This season he features linens that shine like lip gloss, nylon that crackles like taffeta and super-soft leather.

Colour is also kept to a minimum: predominantly a monochrome mix of sooty black and milky white with additional touches of blue, ecru and camel. Cerruti interprets masculine tailoring in a feminine way, but the finished result is far from manly. Feminine jackets curve into the waist and trousers feature a fluid flair. Key wardrobe building pieces are tunic tops, strapless dresses, boxy zippered jackets, tie-belt jackets and sleeveless shell tops, everything reduced right down to the bone. Cerruti and his team are getting it right for the Nineties.

IAIN R. WEBB



ABOVE RIGHT: Navy pinstripe wool top, £149.
ABOVE CENTRE: Cream safari jacket, £425; black pants, £179; black T-shirt, £99. Slingbacks, £265, Manolo Blahnik, 48/51 Old Church Street, SW3.

ABOVE LEFT: Black tuxedo jacket, £449; black palazzo pants, £199; cream T-shirt, £99. Shoes as above.

LEFT: Cream short-sleeved shirt, £175; cream skirt, £149. Shoes as above.

All clothes by Cerruti 1881, available from Cerruti 1881, 108 New Bond Street, W1, and from a selection at Harrods, Harvey Nichols, and Selfridges (inquiries 0171-491 1881).

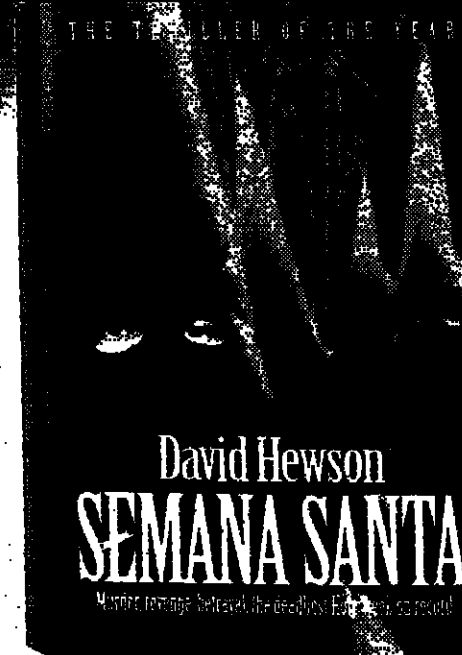
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IT'S HOLY WEEK,
AND IT'S NOT
THE
BLOOD OF CHRIST
THAT'S
BEING SHARED.



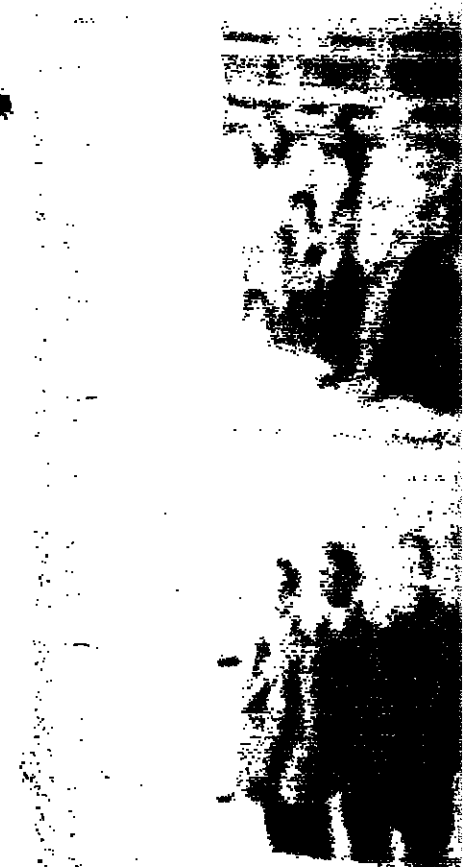
IT'S HOLY WEEK IN SPAIN. BENEATH THE COVER OF THIS RELIGIOUS CELEBRATION A SERIES OF HORRIFIC RITUAL MURDERS ARE TAKING PLACE. A TRAIL OF BLOOD THAT LEADS RIGHT BACK TO THE SPANISH CIVIL WAR. READ SEMANA SANTA AND PROPEL YOURSELF INTO A WORLD WHERE EVEN ANGELS FEAR TO TREAD.

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IT



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If the fatwa has failed, admit it

Salman Rushdie calls on EU leaders to force Iran's hand

Seven years ago, the Government of Iran set out to suppress a novel and to silence its author. Medieval religious concepts (heresy, apostasy, "unclean blood") were invoked, but the means of their propagation and enforcement — global communications, international terrorism — were anything but medieval. The attack upon *The Satanic Verses* was sophisticated, original, ruthless and sustained. And it failed.

The anathematised novel, the book that was to be erased from history, is freely available in 20 languages. Defended with great courage and high principle by booksellers and publishers, and by thousands of individuals and organisations who joined in a determined defence campaign, *The Satanic Verses* has survived, to make the long journey home from the world of scandal to the world of books.

It has been defended, too, by hundreds of Muslim intellectuals, and by Muslim readers in many countries. It is being taught, I hear, in Damascus. The quiet voices of those who have liked this fiction are replacing the angry noises of those who loathed it, often (but not only) on the basis of hearsay alone.

As to the author in question, he has continued to publish, and to speak his mind: so we may at least agree that he has not been silenced.

I have tried, too, to emerge from the shadows to which I was, for a time, confined. To go on writing and to live more openly are ways of showing that I have not been intimidated. Some commentators have criticised me for being seen in public; let them consider the "message" that would be sent by my remaining invisible. Do we really want to tell the world that *fatwas* work?

In recent months I have travelled to a dozen countries (at no expense, may I say, to the British taxpayer), and have found, among readers, booksellers, even journalists, an atmosphere of joyous celebration. And there is something for us warily to celebrate. The blunting of the threat, the frustration of the fatwa's prime purposes, has not been achieved by the intervention of states or governments. It is something we have done together: we, the readers, the informal international freemasonry of book-loving folk, with our secret handshakes, our hidden networks, our occult practices; with our stubborn, bloody-minded, bespectacled, ink-stained will.

Is it not regrettable, when the powerless have done so much, that the possessors of real power have achieved so little? For the fatwa has not been cancelled: an Iranian envoy to Norway recently restated it. Iran's rulers continue to contend that they can do nothing about either the edict or the obscene financial reward for its fulfilment. Even the EU's minimum-terms demand — that Iran sign a document guaranteeing not to carry out the fatwa, and to desist from encouraging others

to do so — has been rejected.

This latest European initiative began a year ago, during the French presidency of the EU, after I met M. Chirac and M. Juppé. We agreed that the agreement would not be an alternative to cancelling the fatwa, but would be seen as a step towards it: that if such an agreement were secured there would follow a long monitoring period, during which Iran would be on probation; that Iran would receive no rewards for agreeing, so to speak, to behave normally; and that if Iran were to refuse to sign, so effectively refusing to renounce the possibility of terrorist action against EU citizens, there would be "diplomatic and economic consequences".

In Paris last June, after leading everyone, including the French, to believe that the deal was done, Iran refused to sign.

Under the Spanish presidency, the matter was pursued without success at meetings in New York and Madrid. A proposed exchange of letters came to nothing. The present Italian presidency of the EU has issued a statement declaring the fatwa "null and void", but that is a unilateral declaration. As for the threatened "diplomatic and economic consequences", there is, perhaps predictably, no sign of them.

True, the Iranians have repeatedly said that the fatwa issue is "over", "solved", "ancient history", a "dead letter". Last Sunday, an unnamed Iranian diplomat in London, "speaking with the full authority of the Rafsanjani Government", was quoted as giving me an "assurance" that Iran would send nobody to kill me, so I could "resume a normal life".

In the past nine months, such statements have been made by President Rafsanjani, Foreign Minister Velayati and the Speaker of the Majlis (and probable next president) Nateq-Nouri. It is a welcome change of tone. But the refusal to bring this long world crisis to a formal, signed and sealed conclusion must make us deeply sceptical about the singers' credibility.

The crux of the matter is not, finally, whether I am able to "resume a normal life". It is that the State of Iran, in an edict issued by its Head of State and repeatedly endorsed by its entire leadership, embarked on a course of censorship by state terrorism, whose targets were the free peoples of other nations. That was a grave and criminal endeavour. And the fatwa, let us remember, has been implemented. Professor Hitoshi Igarashi, the Japanese translator of *The Satanic Verses*, was murdered. Dr Ettore Capriolo, the Italian translator, was assaulted, and William Nygaard, the novel's Norwegian publisher, was shot. Happily, both recovered.

The EU has solemnly undertaken to resolve this problem. I call upon it to do so with extreme urgency. What we, as citizens, could do to stand up for freedom and against intimidation, we have done. After seven years, it is time for our leaders to follow our lead.



When big is ugly

IRA bombs can't block reconciliation in Ulster if London ignores them

There was no bomb. There was no horror. There was no so-called ceasefire collapse. There was no sudden coming together of London and Dublin. There were no platitudes from Washington and no policemen on London's streets, waving weapons, boasting "enhanced security" and frightening tourists. There was silence. There was nothing.

Sometimes I believe we should pretend not to know of an outrage. Without knowledge, there can be no terror. A bomb would be a random incident, affecting only its immediate victims. Not until a blast ignites the gas of publicity is there a holocaust. It is the holocaust that devastates and demoralises nations.

In Northern Ireland this week, as last, people went about their business. They worked and played, they learned and taught, they shopped and travelled. They were sad about the London bomb, marched for peace and balanced clouds and silver linings. As Ulster people have always done. Catholics conversed with Protestants. They worked together building hospitals, mending roads, running buses, fixing street lights. Republican and Unionist, Sinn Féin and loyalist, Derry and Belfast city councils bartered such power as direct rule permits them, almost as if nothing had happened. They respected the fact of all divided societies, that violence is never far beneath the surface and the best way to handle it is through communal responsibility and self-discipline.

Just over two years ago, the Downing Street declaration proclaimed something called the Peace Process. This was followed by the ceasefire, the third since the current round of troubles began. Such was the euphoria that any scepticism was denounced as bad form. A new dawn had arrived. Gerry Adams had renounced Europe's most primitive political entity, the Provisional IRA. Al Capone had taken up Morris dancing and sent his son to Eton. John Major's style of diplomacy, that of passionate compromise, deserved the highest award in British politics, the Nobel Peace Prize.

Last Friday I joined many in feeling sorry for Mr Major. We had known that the time for a sort of ceasefire had arrived, that the IRA needed to pause and regroup. Mr Adams' generation of IRA leaders was now ageing and wanted to see their children respectfully through

college. But Mr Major had shown a new commitment to cleansing this darkest blot in Britain's modern history. In August 1994, he won the province a respite. Last week's bomb appeared to blow it away, and with it Mr Major's most obvious chance for glory. The man deserved sympathy.

Yet a gulf divided intention and implementation. At the time of the 1993 declaration, sceptics pointed out that there was never any way of some all-IRA constitution marrying the IRA's historic demand for a united Ireland with the Unionist insistence on the Union. British direct rule had

Brick Road, but with no sense of direction. Sooner or later they were bound to find that the Wizard of Oz was not to be trusted. Everybody cries, "We must get all parties talking round the table". But about what? Peace? The only IRA peace is in a united Ireland.

Over a quarter century of bloodshed, the most talented minds in the kingdom have tried every conceivable route to involve the IRA in a Northern Ireland settlement. It is hopeless. For two years, clouds of optimistic hot air have risen over London, Dublin and Washington.

The cloud enveloped even the dour Mr Adams, whose demise was signed by his jettison to the White House and the lionising of him by New York high society. All politicians have their backwoodsman, but none has them like Mr Adams. Each champagne cork that popped over the Peace Process sent a grim echo through the glens of Armagh and the backstreets of Ardoyne. I do not say that Friday's bomb was Bill Clinton's doing, but less charitable observers might.

The IRA has never been what the Peace Process requires it to be, a liberation movement that negotiates settlements and hands over weapons to its enemies. It is an ancestral mafia of tight-knit families obsessed with a united Ireland. Its methods are those of Irish rebels and bandits down the ages, instilling anarchy through atrocity and making Ireland ungovernable. Mr Adams might tire of the struggle and seek legitimacy through the ballot and the club-class lounge. But there are always sons and nephews waiting in back alleys. When on January 20 a leader of the INLA splinter group was gunned down in Belfast a shudder must have passed through Mr Adams. It was time to go home.

Every route to a settlement has been tried, but one. The logic of the failure of formal negotiation involving the IRA is not to revive it. It is to

do everything to marginalise this organisation, to disregard it and its outrages. I wrote last week (before the bomb) that there were now two distinct Ulster peace processes in train. One is the international one that will doubtless stagger on through next week's Anglo-Irish summit, but which gave unsustainable status to the IRA. The other is quite distinct. It is the "process of peace" on the ground in Northern Ireland. It involves the steady recovery by the province of its economic and political self-confidence. Unlike the Peace Process, this is real.

This progress could be jeopardised by Friday's bomb, but only if fools decide so. Northern Ireland's return to normality depends not just on the IRA, but on the authorities refusing to go down the terrorist path: by reinstating grim security measures — measures which do little to improve security, but demoralise the public and disrupt daily life. It means refusing to treat a bombing or shooting as a "breakdown in the Peace Process", and treating it rather as the paranoid twitches of a fanatical gang. Most of all it means strengthening those aspects of politics in Northern Ireland which are aimed at precisely the goals the formal Peace Process purports to seek: devolved local democracy but at a lower level than that of the province as a whole.

In 1994, as in 1992 and often before, the Government rejected the option of building up the province's emerging democratic activity via the new district councils and (possibly) restored county ones. It rejected the chance of building on the cross-communally elected institutions that already existed. This was reckless. What else has all the international diplomacy been about but finding a way of getting Protestant and Catholic to share in the running of local hospitals, parks and housing estates? That is what hundreds of local councillors are doing already.

I believe this route was not taken because it was not a "big solution". It relied on democratic responsibility growing from the bottom up. To Westminster and the world outside. Northern Ireland was suffering from too glamorous a disease for such low-tech surgery. It demanded massive intervention, complex, telegraphic, cosmopolitan. Mr Major's Peace Process was the culmination of decades of Irish history. It proved too big for what should have been more modest ambitions.

Scott, Whitehall and us

Sir Humphrey is doomed, says Sue Cameron

More significant than any ministerial heads rolling in the dust this week could be the impact of Sir Richard Scott's findings on the machinery of government itself. The signs are that Whitehall may be about to sustain a bigger shock than any since the great Northcote-Trevelyan reforms of the 1850s, which ended lobbyism and corruption in the Civil Service.

The real issue Scott raises is not who knew what and when. It is whether civil servants have an allegiance to the public interest beyond their duty to ministers. The inquiry has found disturbing indications that the proper relationship between civil servants and ministers has become blurred. There is uncertainty about when officials can and should say no to ministers.

The difficulties of mounting a robust defence of Whitehall's methods were illustrated by a chance remark by Sir Robin Butler, the Cabinet Secretary. As he gave evidence to the inquiry two years ago, he found himself trying to draw a distinction between "accountability" and "responsibility" to Parliament. So great were the difficulties of definition that at one point he had to acknowledge defeat. "We just do not have a blame-free word," he admitted.

The admission was worthy of Sir Humphrey himself. Yet Humphrey's richly comic sophistry can strike a sour note when it is echoed in real life — as it was all too often during the Scott hearings. The inquiry was told that "the truth is a difficult concept", that parliamentary answers were an "art form, not a means of communication".

Now the risk is that civil servants will be regarded less as people of goodwill serving the public interest, and more as mercenaries who can be put into the front line of the political battle. The Scott report is expected to tell the tale of a Rolls-Royce administrative machine that served up a tale of exposure weaknesses in Whitehall communications, a lack of co-ordination across departments and an obsession with secrecy that led senior mandarins to shroud facts from each other — let alone the outside world.

The Scott findings come while the Civil Service is still adjusting to a breakfast programme of reform which split the old monolithic Whitehall into more than a hundred semi-autonomous agencies. The report will be a watershed — even if it exonerates all the officials of bad faith. It is not so much the revelations about Whitehall's semantic games or its failure to tell Commons committees the whole truth that has caused dismay. Many officials certainly regard such conduct as par for the course. But the prosecution of three businessmen for doing something that some people within the government machine knew about and approved has shamed even insiders.

Whatever the detailed findings about the role of individuals, Sir Richard Scott's report will leave the Civil Service with a blemished reputation. Changes in the structure, the rules and the very ethos of the Civil Service add up to the death of Sir Humphrey's Whitehall. Sir Humphrey was mendacious, Machiavellian and ruthless. Yet he was held in affection because although he did not always get things right, he always believed he was acting in the public interest. He would have found a way to say no to any minister who tried to flout that interest. He would have warned of the embarrassment if word ever got out. He would have manipulated other politicians to put pressure on his own minister. If all else failed, he would have threatened to record his formal disagreement with his minister — as real-life civil servants, including Lord Armstrong, have done in the past.

The changes in Whitehall have been brought about partly by a shift in the political climate that is putting greater strains on the loyalty of civil servants — and which is certainly not their fault. It is hard indeed for officials to draft speeches or parliamentary answers or press releases for ministers without.

One of the results of the Scott report will surely be reforms which clarify the mutual responsibilities of civil servants and ministers. There must also be changes in the rules that call for blanket secrecy to cover all advice from civil servants to ministers. Yet such moves could make ministers and civil servants more wary of each other. Politicians might decide it would be more comfortable to have committed outsiders in key advisory posts.

The British public is still old-fashioned enough to expect its officials to be honourable. Yet in the welter of self-justification, denial and early retaliation, not one of the leading figures has stepped forward to apologise. Neither ministers nor Whitehall will openly express regret for an episode which even a former mandarin such as Sir Charles Powell has called "a shambles". The public will draw its own conclusions.

The author's film about the impact of Scott on Whitehall will be shown on Newsnight tonight on BBC2.

Ex-rated

AFTER THE CURSE of *Hello!* comes the curse of *Tatler*. The society creatures who decorate its social column, "Bystander", enjoy a marriage failure rate which is considerably worse than the national average. Half of the sparkling couples who pose for the glossy end up divorcing. Among those who have flourished in the *Tatler* theme park are the Prince and Princess of Wales, the Aga Khan and the Begum Aga Khan, as well as Mick and Bianca Jagger.

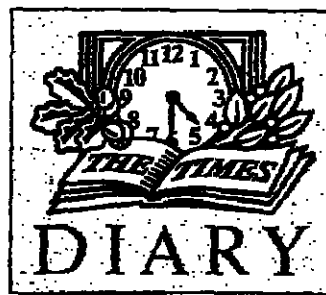
Short courtships and engagements are the hallmarks of these champagne-swillers, says the magazine's social editor, Ewa Lewis. "The column features people like the Earl of Lichfield, Lulu de la Palaise and Lady Leonora Grosvenor. They are people who live in the fast lane and have high expectations of life that constantly fall short," she says. "They tend to be glamorous and good-looking and therefore have larger choices in life." Poor darlings.

Don't cry

HE MAY HAVE caused diplomat-

Rushdie has been doing his best to make amends. The author has been playing a key role in easing tensions in Argentina over Madonna's performance in *Evita*.

With the British Embassy playing broker, Rushdie recently met Argentina's Foreign Minister in Buenos Aires. He put his case for



gnant line "To live outside the law you must be honest."

Fan dance

JOHN MAJOR'S reputation as a peace broker is undiminished, despite the IRA outrage in London's Docklands last Friday. The Prime Minister's office has been besieged by Take That fans who want him to intervene and bring members of the pop group, which announced yesterday that it was splitting up, to the negotiating table.



Shusha Guppy: Darius's daughter

The Take That fan club got through by telephone to Major's private office yesterday but to no avail. It was gently explained that although he was a powerful man this was a national tragedy in which he could not intercede.

Whippy lash

WILLIAM WALDEGRAVE has suffered the final indignity. With the Scott report just hours away, he was approached in front of TV cameras the other day for help in the exportation to Iraq of a tank converted into an ice-cream van. Waldegrave was approached for a Channel 4 television show by the comedian Mark Thomas, who parked an armoured-plated "Mr Whippy" tank adorned with ice-cream cones outside his home. Thomas asked how he could ship it to a friend in the ice-cream business in Iraq. The Treasury Minister was not amused. "This is a very stupid stunt," he snapped.

Not cricket

THE LESS salubrious menswear shops have for many years been selling MCC ties with the famous red and yellow stripes to non-members, strictly against the rules. But no longer. The club has made an



application to the Trade Marks Registry to register its egg and bacon colours.

Colonel Stevenson, a former MCC Secretary of 15 years standing, says that sales of ties and braces to non-members is an old problem. "At the authorised shops, MCC membership cards must be shown before purchase," he says. "Not everybody likes the distinctive colour scheme, however. The Duke of Edinburgh once said they were 'bloody awful colours'."

P.H.S

Scott Whitehall and us



EUROMYTHS TWO

Single market and single currency: another Brussels fallacy

To judge by his dismissal of the European Commission economist, Bernard Connolly, for the crime of talking sense about monetary union, Jacques Santer does not much like the truth. The kindest interpretation of the myth about Europe which the President of the European Commission has made his rallying cry is that he is tolerant of economic lunacy, provided it serves a political purpose. The myth is this: that the European single market is in danger of destruction if the euro is not introduced in January 1999 as planned. Does Europe face a choice between a single currency or the single market, able to have both or neither?

If the answer were yes, it would be a powerful, if rather negative, argument for EMU. Mr Santer hopes that it will be powerful enough to sustain the French and other struggling countries through their unnecessary and damaging martyrdom to the religion of EMU. However, the case he makes is improbable in the extreme and the opposite may well be more accurate. The argument rests on the following logic. If in a single market, nations can lower their costs by "competitive devaluation" of their currencies, they will. Other states will counter this by restoring the non-tariff barriers and tariff barriers that the 1992 process swept away. Ergo, the single market would be eroded if not eliminated. The euro would make such currency tactics impossible and hence preserve free and open trade.

The emergence of Mr Santer's argument at this stage is rather curious. When the single market enterprise was launched in the mid 1980s the Commission was notably silent on the implications it might have for exchange rates. Indeed, of the numerous debilitating trade barriers that the 1992 reforms would tackle, none of the published offenders included the transaction costs of maintaining separate currencies. All the various Delors reports on EMU postulated the Single European Act. Today's emphasis on a link between the two seems somewhat convenient, not to say impromptu.

There are a number of difficulties with the Santer analysis. At a technical level it is far from clear that the exit of the pound and lira

from the ERM, or the devaluations of the peseta and escudo within the system, can be described as "competitive" in the predatory sense. Indeed, the devaluations of all these currencies were actively demanded by the Bundesbank. These currencies were all substantially overvalued inside the ERM and free floating or devaluation restored them to a position judged more appropriate not only by the markets, but also by their national governments and even the Bundesbank.

There is another even more fundamental inconsistency in the Commission's case. According to its own officially sanctioned evaluation of the impact of monetary union — *One Market, One Money* — competitive devaluations cannot succeed. All they produce is inflation. How the single market could be imperilled by states adopting a strategy that the Commission believes to be ineffective is thus a mystery. Indeed it is absolutely central to the logic of a single currency that countries cannot engineer prosperity by debasing their coinage. If they could, why would they sacrifice that option by losing control over their exchange rate?

As Sir Leon Brittan, the Commissioner with the greatest responsibility for free trade, and commitment to it, has stated, the single market is a separate matter from any proposed European currency. The single market is enshrined in laws and agreements, ranging from the Single European Act to the Gatt treaty, which are not only legally enforceable, but seen to be mutually beneficial by all the main European states. As a political proposition, it beggars belief that a great trading nation such as Germany would want to deny its exporters the benefits of a single market out of pique at the failure of EMU.

To link the single market with the single currency in the manner of Mr Santer is thus politically unrealistic, as well as intellectually dishonest. The question of whether to introduce the euro should be considered on its merits, which include the very real issues of its economic costs. To raise the mythical prospect that internal commerce will collapse unless the euro prevails does nothing but confuse the real arguments.

SEVEN YEARS ON

Salman Rushdie still lives under sentence of death

Seven years have passed since the word "fatwa" then in hesitant italics, entered everyday English. Seven years to the day, as the target of that fatwa writes on the page opposite, "the Government of Iran set out to suppress a novel and to silence its writer". Seven years on, Salman Rushdie still lives under sentence of death.

February 14, 1989, the late Ayatollah Khomeini, then Iran's undisputed spiritual and political leader, decreed that Mr Rushdie should die for the "blasphemy" published in *The Satanic Verses*. The ayatollah, flouting all norms of international law and civilisation, urged "brave Muslims" to "quickly kill" Mr Rushdie and all those involved in the publication of the novel.

His ghoulish exhortation was not ignored: to date, the Japanese translator of *The Satanic Verses* has been killed, the Italian translator brutally assaulted and its Norwegian publisher shot. Mr Rushdie, as the whole world now knows so well, has had to live a life of no fixed address, protected round the clock, guarding against the death which the ayatollah had decreed.

But Mr Rushdie has continued to write, and to express his bravery through his books. How easy it would have been — and how understandable — to let the ink run dry, to unplug the word-processor, to twist writing-paper into anguished balls, to let fear scorch his mind and his imagination. Mr Rushdie did not do that. Instead, he

wrote, securing the comradeship of those who read books and allowing that bond to strengthen his resolve.

From that resolve was born *The Moor's Last Sigh*, his latest novel, a book that is for many of us his finest creation yet. It should, we believe, have won last year's Booker Prize: not, as we pointed out at the time, for its having been written in conditions that make the air chill, but for his creation of a never-before-seen world.

"Here I stand. Couldn't have done it differently," says Moraes Zogobly, the book's narrator. Yet the European Union, yesterday, should have done it very differently indeed. The EU's Italian presidency, in a statement to mark the seventh year of the fatwa, appeared to reject calls for firmer action against Iran, preferring instead to pursue a "critical dialogue".

The EU renews its demand that Iran abide by international law and calls upon the Iranian authorities to join the EU's efforts to obtain a satisfactory solution in respect of Salman Rushdie. "The demand could not have been more vague, nor more mealy-mouthed."

Iran must declare the fatwa null and void: nothing less will do. In Mr Rushdie's own words, the crisis has to be brought to "a formal, signed and sealed conclusion". Iran is today a pariah state. The West must not permit it to lose its stigma by stealth or quick fix. Only by rescinding the fatwa can it re-enter the civilised fold.

CHURCH FOR THE TIMES

Rock of Ages cleft for me, are you becoming too PC?

When Henry the Eighth brought the Church of England into existence to put a woman in her place he can never have imagined that her successors would one day be in charge. As we report on the front page today, a survey of the Synod shows that a majority of the House of Laity is now made up of women, and pretty progressive ones at that. This may not come as a surprise in the bishop's palace in Barchester, where Mrs Proudie has always worn the gaiters, but how many churchgoers will be entirely happy with a body originally built to embody eternal truth moving so modestly with the times?

Statistics in a survey can never give us a full picture of the established Church. Its real nature as rich and complex as a Puseyite embroidery on the vestments of a Puseyite prebendary. But the figures on the page of this study tell us much about the figures who run the Church of England, and how much they have changed since Cosmo Canbar.

The removal of the barrier from pew to pulpit for the female sex has gone hand in hand with a broader feminisation of the C of E. There have always been powerful women in the English church, from the mystic Julian of Norwich through its stalwart Protestant defender Elizabeth the First to the all too recognisable rectors and bishops' wives drawn by the Trollopes. Joanna and Anthony. But even Mrs Proudie at her most assertive might have shuddered at the thought of an inclusive liturgy which avoids references to God as Father, lesbian clergy

administering the sacraments and the most prominent priest in popular culture being played by Dawn French.

The regiment of women may have been monstrous to a good Presbyterian like John Knox. It may be more in tune with the spirit of the age than the ageless design of the Holy Spirit. But the synod survey suggests that even those parts of the church which are male monopolies cannot be relied upon to uphold ancient wisdom. The House of Bishops, the only section of the synod still all-male, harbours two members who believe the church should not speak out on adultery. Do they think God got it wrong or are ten commandments too many?

Perhaps the Bishops' reluctance to take a tough line on sin stems from ignorance of its prevalence. No bishop admitted to taking a tabloid newspaper. Given how many of them, and their clergy, appear in *The News of the World*, it seems an unpardonable omission.

Elevated origins are no excuse. The proportion educated at public school or Oxbridge is in decline. Figures such as the formidably intellectual Old Etonian and Cambridge scientist John Habgood, lately Archbishop of York, will soon be as much an anachronism as the fox-hunting parsons of Surtees. There is, however, a glimmer of hope that enlightenment will not elude the men in mitres. Their preferred paper is this one. Perhaps it is no bad thing to have a Church that has its roots in the past but today takes its cue from *The Times*.

LETTERS TO THE EDITOR

1 Pennington Street, London E1 9XN Telephone 0171-782 5000

Fresh pursuit of a lasting peace in Northern Ireland

From Mr H. R. McIlveen

Sir, Lord Rees-Mogg ("Isle of Dogs may be the IRA's Waterloo", February 12) stripped away much Irish mist when he reminded us that the IRA has lost its way.

In 25 years former "Stormont rule" anomalies and alleged injustices have been put right. The credit for this lies with Westminster. The peace process, which the Prime Minister and his Irish counterpart have made plain they will continue to pursue (reports and leading article, February 13), has the support of all factions in Ulster.

Cross-border relations with Dublin have improved steadily at pragmatic, if not always political, levels. The timely visit of President Clinton in November inevitably added an international dimension to the search for progress and settlement.

The democratic process now envisaged must fully involve the Ulster people. The majority of silent and law-abiding citizens would, by means of elections, be able to return their chosen representatives in proportion to their mandate. With only a small vote, Sinn Féin is likely to move to the bottom of the table. That is democracy: it does not fit the power game in which Mr Adams has seen himself as a key player.

In those 25 years Ireland, too, has moved on. Lord Rees-Mogg understands this when he refers to the urban modernism of the new Ireland: do the politicians, North and South?

The historical Celtic crusade against the occupying English is playing itself out. Modern Ireland cannot afford to nurture old griefs forever, and the shape of its changing society reflects this.

Should an all-Ireland settlement ever be achieved it will be by consensus and democratic progress. The IRA has no place in such a state: that is its dilemma.

Yours etc,
HUGH McILVEEN,
Wood House, Whitford,
Shipton-on-Stour, Warwickshire,
February 13.

From Mr P. C. Beaver

Sir, William Rees-Mogg's article did not touch on the forgotten or ignored aim of the IRA, which has not changed: the formation of a socialist republican state. The aims and politics of

such a state are dictated by the IRA, not Sinn Féin, which is merely a weak political shell.

The IRA knows perfectly well that political victory for Sinn Féin, in elections in the North, South, or a united Ireland, is unlikely in the foreseeable future. After so many years of sustained violence few are likely to vote for them.

The IRA wants a united Ireland of its choice and will use Sinn Féin as its political engine, provided it can be relied upon to toe the line. As a former serving officer in Northern Ireland for 32 years I believe the Docklands bombing was a deliberate reminder, not a blunder as Rees-Mogg says.

Gerry Adams, on the other hand, has changed. He seems to believe that a united Ireland is within sight and to understand that it can be achieved only with Unionist consent. Within a politically weak organisation he is probably the only one with whom the Government or the Unionists can discuss the way ahead. He can apparently make no promises on the future behaviour of the IRA. If he is finished with the IRA: if he doesn't he is probably finished with the Government and the Unionists.

The real problem for the British and Irish governments remains the IRA.

Yours faithfully,
PHILIP BEAVER,
The Mail House,
Poulton, Cheneester, Gloucestershire,
February 13.

From Mrs Deirdre Rowe

Sir, No one in Northern Ireland has been untouched by the violence: only the degree differs. Quite often in life it's the "average" voice that is least heard.

My family and I fall into this category. We are non-political Catholics, some of whom are still living in Andersonstown. In 1979 my father, on his sixty-ninth birthday, was murdered by the INLA for reporting a hijack on car.

For seventeen years we've been living in silence and grief, but there are many people like us. We don't want vengeance or justice: we just want peace. That means talks, *unconditional* talks.

I appeal to Mr Major to let the IRA keep their weapons till they rot: they're only symbolic and they can be replaced. The "four green fields" of the

old Irish song aren't worth one life, and neither is an election.

I don't speak for the minority: I think I speak for a quiet majority.

Yours truly,
DEIRDRE ROWE,
Chalet Tarentaise,
Le Pre, Villaroget,
73640 Ste Foy Tarentaise, France,
February 13.

From Mr N. J. Mustoe

Sir, There is not much good that can be said of the IRA, but one has to admire their propaganda. After their killing of several thousand people and causing millions of pounds of damage here and in Ulster; after their having made no concessions towards a political solution or recognised the hatred they have generated in the majority community, honest people are still blaming the problems on the Ulster Unionists.

The Unionists have steadfastly condemned the activities of the IRA and the so-called loyalist paramilitaries. They have agreed to talk to the men who have slaughtered so many members of their community, provided they promise not to do so in future.

Anyone who asks the Unionists to do more is asking them to surrender to the terrorists.

Yours faithfully,
JOHN MUSTOE,
Blackthorn Cottage, 20 Cross End,
Thurleigh, Bedfordshire,
February 13.

From Mr Lucas Mellinger

Sir, Sir David Mitchell, MP, asks (letter, February 12), "Do the IRA... ever want the peace process to move forward?" I would go further: "Can the IRA make peace?" The inevitable answer is that they cannot.

They cannot destroy their *raison d'être*; cannot, in their conscience, abandon their fathers' commitment; cannot, in their eyes, betray the martyrs who have died for the only cause they know.

Decommissioning their arms, in their psychology, would imply decommissioning their integrity.

Yours faithfully,
LUCAS MELLINGER,
9 Mortlake Terrace,
Kew Green, Richmond, Surrey,
February 13.

Lords' ruling on computer privacy

From Ms Shelagh J. Gaskill

Sir, In the appeal of *R v Brown* (Law Report, February 9), the House of Lords has reached an astonishing decision. Put simply, their lordships decided (by a majority) that calling personal data from a database on to a computer screen and reading the information so displayed does not constitute "using" the information within the meaning of Section 5(2) (b) of the Data Protection Act 1984. Accordingly, Mr Brown could not have committed the offence of misusing the information.

As Lord Griffiths makes clear in his dissenting speech, if "use" is given its ordinary and natural meaning and the prosecution has therefore to prove not only illegitimate access to personal data but also some subsequent application of the information derived from the access to it, the difficulties of enforcement will be immense. So if I illegitimately gain access to someone's personal data and as a result decide to take no action — an outcome which may be just as harmful to the person concerned as taking positive action, and just as much an invasion of his or her privacy — I will apparently not have committed the offence.

Although "information privacy" is not a right expressly guaranteed and protected by the Act as it now stands, that position must change when, within three years, the Government is due to implement the European Union directive on data protection in our domestic law. At that point, this oversimplistic distinction between processing of data up to the point of displaying the information on a computer screen (which, as a result of this decision, is not "use") and some subsequent application of that information (which is "use") will simply be unsustainable, because the directive defines "processing" very widely. That definition includes the word "use" as well as the word "retrieval".

This is consistent with the directive's stated purpose of protecting the individual's right to privacy with respect to the processing of personal data.

Yours faithfully,
SHELAGH GASKILL,
Masons (solicitors),
Minerva House, 29 East Parade,
Leeds, West Yorkshire,
February 9.

Heseltine and debts

From Mr Ian Josephs

Sir, A heading on Libby Purves's article (February 6) says: "Michael Heseltine is wrong to defend late payers who are indebted to small businesses to the tune of £20 billion".

Michael Heseltine, my former partner, was actually defending small businesses against big business creditors pressing them for payment by explaining to the Forum of Private Business various ways of avoiding bankruptcy (report, February 5). He certainly never endorsed large companies holding up payments to smaller ones, nor I am sure did he ever do so once he had himself got into the big time.

Plenty of lodgers owed money to Michael and me in our early days, but we never threw anybody out into the street. Should we have evicted people just to pay our creditors on time?

Libby Purves suggests that small businesses should pass the risk to the "poor old bank". The banks are responsible for far more liquidations than the likes of Michael Heseltine and myself. If it looks risky they pull the plug and down the small fry go unless they find a way of keeping other creditors waiting a little longer.

Nearly every small business runs into trouble at some time in its early years and has to choose either liquidation or to keep creditors waiting for payment. Which option should be chosen?

Yours faithfully,
IAN JOSEPHS,
(Chief Executive),
The Regency School of English,
Royal Crescent, Ramsgate, Kent,
February 8.

Scott inquiry

From Mr Patrick Nicholls, MP for Teignbridge (Conservative)

Sir, Libby Purves ("Governing ambiguities", February 13) trots out the tired old canard that ministers signed public interest immunity (PII) certificates that "could have led to the conviction" of the innocent. The truth is quite different.

PIIs do not prevent the trial judge seeing the documents: they simply reserve to him the ultimate decision about whether they are revealed or not.

That is exactly what happened in the Matrix Churchill trial and the defendants were duly acquitted. In short, the law operated as it was supposed to.

Yours faithfully,
PATRICK NICHOLLS,
House of Commons,
February 13.

Balance of sexes in MPs' selection

From Mr Paul Nicholls

Sir, Now that the Labour Party has decided (rightly in my view) not to appeal against the industrial tribunal decision declaring all-women shortlists unlawful (report, January 9) there is a presumption that the Sex Discrimination Act 1975 and Race Relations Act 1976 do apply to the selection process for political parties. This will remain the case unless there is a future selection challenge that results in an appeal to the higher courts.

Whilst there may be some disappointment at the loss of the "positive action" mechanism for redressing the balance of the sexes, the long-term implications of the application of discrimination legislation to candidate selection in all political parties gives ground for hope for future change.

All the political parties are going to have to conduct a thorough review of their selection processes to ensure that they do not infringe discrimination legislation. They will need to take effective steps to ensure compliance with equality law when choosing can-

didates if they are not to be held liable for unlawful questions posed during the selection process.

Effective guidance is going to have to be given to deter the perennial, "Will your wife be helping you in the campaign?" (or vice-versa), or similar questions loaded in favour of male, or indeed female, candidates.

Selection panels will need to be reminded of their equal-opportunity responsibilities. Any process that has a disproportionate impact is indirectly discriminatory. Indirect discrimination (unlike direct) can be lawful but only if it is justifiable in all the circumstances. It will be interesting to hear the justification argument.

In the long term the successful Keighley tribunal challenge should lead to real progress in achieving equality in Parliament.

Yours faithfully,
PAUL NICHOLLS,
Dobb Lupton Broomhead (solicitors),
Carlton House,
18 Albert Square, Manchester 2,
February 5.

Holocaust accounts

From Professor Alan Thompson

Sir, The statement by the Swiss Bankers' Association ("Swiss in dash over Holocaust assets", February 8) that the amount of cash in dormant accounts belonging to Holocaust victims is only £21 million surely merits further investigation.

While I was in the Commons I was involved in some of the work of the Association of Nazi War Camp Survivors and of the Wiener Library. Although I have no knowledge of the overall sum involved, my impression of the scale and injustice of the tragic and deeply disturbing cases which came to my attention leads me to be-

lieve that this sum could be a considerable under-estimate. It is certainly a matter which deserves some form of international consultations under the aegis of the Swiss Government.

Although this is not normal banking practice, this is not a normal situation. Given the unique nature of the unspeakable atrocities which gave rise to these dormant accounts it would be surely appropriate for the Swiss authorities to cooperate.

Yours faithfully,
ALAN THOMPSON,
(Labour MP for Dunfermline Burghs, 1959-64),
11 Upper Gray Street,
Edinburgh 9,
February 8.

Beating the weather

From Sir Ian Morrow

Sir, During the recent severe weather the National Grid issued a warning (report, January 31; see also letters, February 9) that it might run out of generating capacity, caused in part by the fact that some gas-fired stations were closed through lack of fuel from British Gas because the contracts were unworkable at British Gas's option.

It seems irresponsible to include in "available capacity" plants that can be closed legitimately by an outside agency.

Power, communications and transport are three services that must never fail through lack of capacity, whatever the weather; otherwise the country faces a repeat of the three-day week chaos of 1972, with devastating economic consequences.

Yours truly,
IAN MORROW,
2 Albert Terrace Mews, NW1,
February 8.

Wolves in the wild

From Mr Leslie J. Hathaway

Sir, Mr Roger Panaman (letter, February 2) and Mr John Gudgeon (February 7) may be interested to know that wolves have indeed been known to roam in Church Street, Kidlington.

From 1931 until 1937 Gosford Hill Farm, Kidlington, was the site of the Oxford Zoological Gardens. In 1937, as the zoo was closing down, a few wolves escaped. They made their way through Church Street to open fields beyond.

For a few days this caused havoc and anxiety to local farmers and villagers, who were warned to be on their guard. Several sheep and their lambs were killed.

Unfortunately at least two elsatian dogs were mistakenly shot before the wolves were tracked down and shot.

Yours sincerely,
L. J. HATHAWAY,
3 South Avenue,
Kidlington, Oxfordshire,
February 9.

Communion in hand

From the Reverend R. M. E. Paterson

Sir, John Selwyn Gummer ("At your service", February 3) comments "no Communion in the hand" and characteristically despises the "easygoing modern... trendy or off-hand".

The accounts of the Last Supper (Mark xiv, 22-25 and 1 Corinthians xi, 23-26) make it clear that the bread and the cup would have been received by the apostles in their hands, certainly not, as Mr Gummer would have it, "placed reverently upon the tongue just as it always used to be".

After centuries of clericalisation this ancient and important practice fell into disuse and the Council of Rouen in 878 forbade it. In the Prayer Book of 1552 Archbishop Cranmer restored the primitive tradition and although modern liturgies do not normally specify the method, this remains the proper tradition in the Anglican Church.

Yours faithfully,
ROBERT PATERSON,
(Secretary, Liturgical Commission of the Church in Wales),
The Rectory, 85 Broadway,
Cowbridge, South Glamorgan.

S for serendipity

From Mr Fritz Spiegl

Sir, My late cousin Alfred Geiringer, whose obituary you printed last month (January 10), told me that a young clerk in his office at Reuters filed Chiang Kai-shek under I — "Issimo, General..." (letters, February 6 and 9).

But then, according to the new ways of spelling Chinese words in European characters, Chiang has now probably been moved to X — for "Xiang".

Yours faithfully,
FRITZ SPIEGL,
4 Windermere Terrace, Liverpool 8,
February 9.

Fortune's fools

From Dr M. S. E. F. Holland

Sir, In the new gallery of Hellenistic art in the British Museum there is a photograph of the Louvre statue of the so-called Tyche of Antioch, with the caption:

How could it be that one man lived and died an Alexander while another found himself condemned... to beg for food in rags on the streets of Smyrna? The increasing uncertainty of Hellenistic society promoted an obsession with such concepts as... Tyche (Luck or Fortune).

Mutatis mutandis, our divide between fat cat and poor pilgarlick seems to have thrown up a fresh version of the archetype, in the iconographically similar figure (long, flowing robes, rather different headgear) which has appeared on billboards all over the metropolis, bearing the message: "Is Lady Luck with YOU?"

Yours faithfully,
MERIDEL HOLLAND,
9 Holton Terrace,
Halesworth, Suffolk.

Business letters, page 29

Letters for publication should carry contact telephone numbers. We regret that we cannot accept letters by telephone but they may be sent by fax to 0171-782 5046.

OBITUARIES

VICE-ADMIRAL SIR STEPHEN CARLILL

Vice-Admiral Sir Stephen Carlill, KBE, CB, DSO, last British commander of the Indian Navy, died on February 9 aged 93. He was born on December 23, 1902.

STEPHEN CARLILL was the last British Chief of Naval Staff in India. His departure from Delhi on April 21, 1988, nearly 11 years after Indian Independence, closed a significant chapter in the history of the two countries. He was the last British officer to command one of India's armed services, and his task had been to nurse the Indian Navy towards independence, not only in the matter of naval personnel but in developing institutions such as the fine modern training station at Cochin on the west coast of India.

But although it had fallen to Carlill to sever many of the links between the Indian Navy and the Royal Navy, he had aimed to stress the special camaraderie which existed between the two navies. A state of dependence was giving way, he hoped, to a spirit of friendly competition between two equals (although of course the Indian Navy was considerably the smaller of the two).

Carlill had been popular in India and he, in his farewell broadcast, said that he had "immensely enjoyed" his service there, during which he had invariably received the greatest co-operation from his colleagues and from the Indian Government. In the Royal Navy he had formerly had a distinguished career as a gunnery specialist and destroyer commander.

Stephen Horne Carlill was the son of Harold Horne Carlill, a civil servant at the Board of Trade. There was no naval tradition in the family, but Carlill had always wanted to go to sea and went to the naval colleges Osborne and Dartmouth. He was a keen sportsman, and he played hockey, squash, cricket and tennis, as well as rugby for the Royal Navy in 1928.

He first went to sea in 1920, serving in home and Mediterranean waters. In 1927 he qualified as an interpreter in German. He studied the language in the Black Forest under Professor Willie Nohe, at the same time as Hugh



Gaitskill, with whom he became friends. The two went on a walking tour together, and Terence Rattigan later wrote a play about this unusual establishment, *French Without Tears* (Rattigan changed the language in order to avoid the wrath of Nohe). Carlill met his future wife there, Nohe's daughter Hilla, whom he married in 1928.

Carlill specialised in gunnery. He was gunnery officer in the cruisers *Norfolk* in the Atlantic Fleet and *Dunedin* in New Zealand, and in the battle-cruiser *Hood*, from which he was promoted to commander in 1937. For the next two years he was gunnery officer in the *Galathea*, flagship of the Mediterranean fleet.

Shortly after war broke out, he joined the training and staff duties division at the Admiralty, but in April 1940 resumed sea service in command of the new Hunt class destroyer *Hambleton*. When she was damaged by a mine, he moved into a sister-ship, the *Farndale*, where in 1942 he was awarded the DSO. It was the *Farndale* which in December 1941 sank the Italian submarine *Ammiraglio Caracciolo* while she was on passage from Libya to Italy. Carlill took 53 prisoners before discovering that among these were a number of Italian senior military officers who had been trying to get home.

On promotion to captain in 1942 he was appointed to the new destroyer

Quilliam as captain of the 4th destroyer flotilla, seeing action in the Eastern Fleet and during the landings in Sicily and at Salerno, for which he was mentioned in dispatches. From 1944 until the end of the war he served in the Gunner Division of the Naval Staff as deputy director.

In 1946 he was appointed Chief of Staff to Admiral Lord Fraser, Commander-in-Chief, British Pacific Fleet, and continued with his successor, Admiral Sir Denis Boyd until 1948, subsequently commanding the gunnery school *HMS Excellent* and the carrier *Illustrious*. Following his promotion to rear-admiral in 1952, he was appointed to the directing staff of the Imperial Defence College then to command of the Home Fleet Training Squadron, being promoted to vice-admiral in 1954.

From 1955 to 1958 Carlill was Chief of Naval Staff in India. His leaving in April from the New Delhi railway station was celebrated with suitable pomp. White uniformed naval personnel were there in strength, and Carlill and his wife were saluted by the assembled naval ratings, and by the new Chief of Staff, Vice-Admiral Katari with the words: "Admiral Carlill and Lady Carlill Ki Jai" (Victory to Admiral Carlill and Lady Carlill). They left Bombay on the liner *Strathmore*. A 15-gun salute was fired, aircraft flew past and officers and men of the Royal Indian Navy cheered.

In recognition of his exceptional work Carlill was made an honorary vice-admiral in the Indian Navy. He held an honorary flag rank in any service outside the Royal Navy. He retired in 1959, having been made a CB in 1954 and created KBE in 1957.

He worked until 1966 for the West Africa Committee, which guarded the interests of a group of businesses, first as their representative in Ghana and later in London. He then retired to Milford on Sea, where he grew roses and was surrounded by grandchildren and dogs, one of which he named Quilliam, after the ship he had commanded during the war.

His wife died in 1991, and he is survived by their two sons.

NEIL FRANKLIN

Neil Franklin, Stoke City, Hull City and England centre-half, died on February 9 aged 74. He was born on January 24, 1922.

IN THOSE halcyon days when what are now known as centre-backs still used to be called centre-halves, Neil Franklin was the finest of them all. In the history of the game there has probably been no more accomplished footballer in an England defence than he was. Sir Stanley Matthews, his Stoke City and England colleague, considered him superior, as a constructive defender, even to the late Bobby Moore.

Cornelius Franklin was born in Sneyton, Stoke-on-Trent. After the end of the Second World War he was the unchallenged England centre-half for 27 consecutive matches. He had gained 12 wartime caps as the successor to the legendary Stanley Cullis. But Franklin's career was then disrupted by a secret and ill-advised departure from Stoke City in the spring of 1950 for the Santa Fé club of Bogotá, Colombia.

Together with George Mountford, Stoke's outside right, Franklin and his family left for Bogotá, having signed contracts immediately after the conclusion of the domestic season and without informing Stoke. He had told the Football Association that he would not be available for the imminent World Cup finals due to be played in Brazil — England's first participation in this event — because his wife Vera was expecting their second child, and he wished to be with her. Vera planned, in fact, to have the baby in Bogotá.

This was the era of the maximum wage of £20-a-week in English football and a freedom of contract once a



player had signed for a League club. Stoke had refused Franklin's request for a move, in spite of the fact that Bob McCrory, Stoke's manager, disliked Franklin's stylish, intelligent game. In his autobiography *Soccer at Home and Abroad* (1956) Franklin wrote: "I have never been able to understand why I should be expected to hurt a fellow player. Any lout can knock a man off a ball. It needs a footballer to take the ball off an opponent."

A number of English players were tempted by South American money but the experience of Franklin and others was to leave little but disillusionment. (Colombia was free to entice foreign players in breach of existing contracts

because it was not affiliated to FIFA, the world governing body.)

In the event, having been assured of the provision of a house but finding themselves accommodated in an hotel instead, Vera decided to fly home for the birth. Franklin, by agreement with Santa Fé, accompanied her as far as New York but finding no flight booked for his wife — as had been promised — also flew back on impulse to England.

For breach of contract at Stoke ("The nicest player we ever signed," the Stoke chairman said in his defence at the disciplinary hearing) and for his deception of the FA, Franklin was suspended without pay until the following year. An illustrious career had been effectively destroyed.

Although, for a £22,500 transfer fee, he subsequently joined Hull City, where the manager was his former international colleague Raich Carter, Franklin was never again selected for England. The English team tried a dozen centre-halves during a downward spiral over the next four years but had no luck until Billy Wright was switched to that position in 1954.

A crowd of 55,000 greeted Franklin's first appearance for Hull, but a later cartilage injury curtailed his success. After brief moves to Crewe Alexandra, Stockport and Macclesfield, he became a player-manager with Wellington in Shropshire, then manager of Colchester in the Football League, leading the club to promotion from the fourth division in 1966. He retired two years later to become a publican.

He was twice married, marrying his second wife, Beryl, in 1968. He is survived by her, a son and a daughter from his first marriage and a stepson from his second.

GENERAL ADOLF GALLAND

Adolf Galland, German wartime fighter ace, died on February 9 aged 83. He was born on March 19, 1912.

A FLYER who was among Germany's top aces of the Second World War, Adolf Galland commanded the fighter arm of the Luftwaffe from the end of 1941 until 1945. Credited with 103 kills by Luftwaffe statisticians, he was a tactician skilled in the handling of fighter forces. He always attributed the Luftwaffe's defeat in the Battle of Britain to the fact that it was not properly deployed by Goering, who used its fighters as a strategic rather than as a tactical weapon.

Thus, the Messerschmitt Me109 was used as a bomber escort — a role for which its short range made it unsuitable — rather than being used to attack the RAF's fighters. The flawed German system of using *Luftflotten*, air fleets of mixed fighters and bombers, rather than organising them as separate commands told against them when they were concentrated against the numerically inferior but tactically superior RAF in the summer of 1940.

Throughout the war Galland was a fearless critic of his boss, Hermann Goering, whom he regarded as being unfit for the command he held. With his thick black hair and moustache, easy grin and cigar clamped between his teeth, even when airborne, Galland was a reassuring figure to his young pilots, and after he attained general's rank always remained "one of the boys".

Adolf Galland qualified as a glider pilot while in his teens. In 1932 he joined Germany's commercial airline, *Lufthansa*, and when it was formed, transferred to the Luftwaffe. He flew 300 missions for the *Königsmann* Legion during the Spanish Civil War and gained much valuable experience of operations.

At the outbreak of the Second World War Galland was in a training post and took no part in the air operations of the Polish campaign. But by April 1940 he was back to active service in fighters and took part in the air attacks which supported the invasion of the Low Countries and France in May 1940. As an officer in the celebrated *Jagdgeschwader 26* he played a prominent part in the Battle



of Britain, making a name for himself along with Werner Mölders and Helmut Wick as one of the most successful pilots on the German side. In August he was appointed to lead a fighter group in the battles which raged in the skies over the Channel and the South East of England. In the following year he was involved in countering the RAF's daylight fighter sweeps over France.

Much of Galland's success as a fighter pilot was due to his never underestimating his op-

ponents: unlike Goering he did not make the mistake of disparaging the RAF's capacities at the outset of the Battle of Britain. Indeed, he is said jokingly to have told the latter when questioned as to Luftwaffe needs during the battle, that a squadron of Spitfires would benefit the performance of his *Gruppe*.

Mölders had been made Inspector of Fighters in 1941 but was killed in an air crash later that year and in November Galland was appointed to succeed him. In the following year he was promoted to become, at 30, the youngest general in the German armed forces.

For the next two years it was his melancholy task to attempt to orchestrate an air defence for the Third Reich against the numerically and technically superior air forces of the Western allies, and to witness the total destruction of his command under the relentless night and day onslaught mounted by the RAF and the US 8th Army Air Force. It was a tribute to his qualities as a leader that he was nevertheless continually able to inspire his pilots whose numbers daily dwindled, especially heavy toll being taken of their

attempts to break up the massive daylight raids of the American bomber squadrons with their powerful long-range fighter escorts.

Nevertheless he was always alert to make the latest technical advances available to his pilots and continually strove for tactical innovations which would offset the Luftwaffe's inferiority in numbers. Thus such novelties as rocket and even bomb attacks were experimented with, against the tightly packed American bomber formations.

Although rising to high command, he retained the mentality of, and sympathised with, the problems of the front line pilot with whom he was prone to side in the frequent arguments between the operational units and the Supreme Command. In particular, he was a severe critic of Hitler's initial decision to deploy the new Me262 jet fighter — which would have given the Luftwaffe a perhaps decisive air superiority over the Allies — only as a fighter bomber.

This stance made him enemies and in January 1945 he was relieved of his command when Goering ordered him on permanent leave without naming a successor. However, he did fly operationally again and was shot down in combat with an American Mustang fighter a fortnight before the end of the war.

After the war Galland pursued his interest in commercial and military aviation and was for a period a consultant and adviser to the Argentine Air Force.

Galland typified to a degree the chivalry which existed between combatants in the air and was a popular figure at the air force reunions of his old adversaries. He was, for example, a welcome figure at the thanksgiving service for the life of the legless RAF ace Sir Douglas Bader, in St Clement Danes Church in the Strand, in 1982.

He was married with two children.

ALEXANDER SEDGWICK

Alexander Sedgwick, American journalist, died in Athens on January 19 aged 94. He was born in Stockbridge, Massachusetts, on February 8, 1901.

A PROFOUNDLY cultured man, Alexander ("Shan") Sedgwick was a great lover of poetry and would recite it with surprising ease even when he complained that old age had weakened his memory. He kept a dog-eared copy of the *Oxford Book of English Verse* always within reach, even on his deathbed. But it was in the less gentle art of journalism that Sedgwick really made his name. As a foreign correspondent for *The New York Times* throughout the Second World War, he covered the Balkan scene and the Greek-Italian front in Albania from his base in Athens.

He fled Greece, as the German Army approached the capital in April 1941, and set up his base in Cairo. From there he covered the British Eight Army, reporting the battle of El Alamein. Characteristically, he neglected to inform his editors in New York that he himself had been wounded in the battle.

Sedgwick's reminiscences of the Albanian and Desert campaigns produced his first book *Wind Without Rain*, a social satire. Later, in a second book *Tell Sparta*, he recounted what had happened in the war and the story of the Resistance in Greece.

In October 1944, as the Germans were beating a hasty retreat from Greece, Sedgwick joined Brigadier George Jelliffe's Special Boat Squadron at Megara in order to be with the first British troops to enter Athens. In 1947 he was appointed an honorary OBE for his wartime reporting.

Alexander Cameron Sedgwick was born in a fine 18th-century house, one of the



architectural showpieces of Stockbridge. His family was of British lineage and, with a deep sense of tradition, he was always to remain proud of his ancestral heritage. He felt a loyalty towards the British people and a love for practically all things British. At the age of 19 he took a job as a deckhand in a cattle-ship and worked an uncomfortable passage to the UK — "the Old Country", as he liked to call it.

After graduating from Harvard in 1924, Sedgwick was recommended by his uncle, then editor of the *Atlantic Monthly*, for a post at the *New York World*. His employers, however, soon decided that he was a "pinkie". He used to tell this story with amusement since later in life he was often accused of belonging to the "far right". He was, for instance, the only American correspondent who treated the 1944 Athens *putsch* as a Moscow conspiracy to bring Greece into the Soviet orbit rather than a revolt of oppressed democrats.

His reporting during and after these events showed a clear understanding of British

policy in Greece at a time when it was being vigorously challenged both at home and in the United States. This experience, and the Civil War that ensued, inevitably hardened his ideological approach, and after his retirement it induced him even to express sympathy for the Greek colonels who, taking advantage of the turmoil in Greek politics, seized power in 1967.

His first assignment with *The New York Times* in 1925 was as a junior police reporter, a job he endured until 1928. He then moved to Europe where he worked as a sherry salesman while writing his first novel. After briefly joining the Associated Press, he rejoined *The New York Times* in 1937, becoming a member of its staff in 1939 and filing for it regularly throughout the Second World War. From 1944 until his retirement in 1961, he served as the *New York Times* correspondent in Greece and Turkey.

He is survived by his wife Roxanne Sotiriadi, the daughter of a Greek professor of archaeology. There were no children.

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THE LOVE LETTERS OF GENERAL BOOTH

A NOTABLE LIFE STORY.

Mr. Harold Begbie has not spared paper and print in his "Life of William Booth" published today by Macmillan. In the two thick volumes in which he tells the story of the founder of the Salvation Army there must be close on 400,000 words, and the author, as well as the General, often repeats himself.

The man was a born fighter and a born leader of men. He was wilful, headstrong, passionate and fond of fun. But as a child he was not happy. No one, he says, told him anything about religion. At the age of 13 he was apprenticed to a Unitarian pew-broker, and two years later, after a struggle with his conscience, which led him to humble himself by confession to another boy whom he had wronged, he decided of his own accord "to go in for God." A little later, influenced by the call of the streets, he began to do mission-work among the boys of the Nottingham slums. At the end of his six years' apprenticeship he came to London, and while continuing his double career of pawn-broking and street-preaching met Catherine Mumford, the high-minded and altogether exceptional girl who afterwards became his wife.

The letters that passed between them while they stood on the threshold of the wonderful love story of their life are singularly beautiful. Here were full of the tender advice of the woman who must mother the object of her love. "My dearest love,"

ON THIS DAY

February 14, 1920

The life of General Booth, founder of the Salvation Army, was never uneventful and often tempestuous, and it is clear from Mr Begbie's biography how much he owed to his remarkable wife, Catherine Mumford.

He writes, "before how you indulge that dangerous element of character—ambition. Misdirected, it will be everlasting ruin to yourself and, perhaps, to me also... Don't indulge in ambition to be either a revivalist or anything else... Watch against mere animal excitement in your revival services."

He, for his part, wrote often of his preaching experiences as well as of his love and his personal needs. "My dearest and most precious love,—I just scribbled you a line. Tuesday and Wednesday evenings were the most triumphant I ever witnessed under any circumstances... Last night twice or thrice I became alarmed, the excitement was almost overwhelming; I feared for the people. I feared lest we should not be able to keep the reins of the meeting. The cries of distress were thrilling,

piercing, running, as one gentleman expressed it, through you to your finger ends. Some were violent, commenced shrieking, clapping the hands, etc.; these I stopped directly; in fact, all the more violent I stopped as soon as I could. If I doubted, as in two instances, sincerity, I stopped them authoritatively; if I had confidence in them I poured out the balm of Jesus' salvation and the sweet promises of His word, and they soon turned their tears and wailing into joy... Give my love to mother. God me two good shirts and two night shirts, I yard and 4 long at least, ready to send next week when I send you word. Farewell. Heaven bless and care for thee."

In 1865, after a period of wonderful success as a revivalist preacher, during which most of the chapels as well as the churches that their doors in his face, he came again to London. Ten years of work in the East-end streets brought him at last to the conviction that the only way by which the people whom he was trying to save could really be changed was by making them in their own selves and saviors of the lost, it was this conviction that eventually led him in 1878 to found the Salvation Army.

Mr. Begbie presents with judicious restraint and perfect fairness the contrast between the two remaining phases of General Booth's life—the period of the army militant, when almost every man's hand was against it, and the later patriarchal period, when, as his biographer says, "He ceased to be an object of scorn; he became a hero of the world."

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E.T., I love you.

WS The music in my heart I bore
long after I've heard no more.
MPS

YES You gave me a hard time
sometimes Marty, but that is
nothing compared with the
wonderful times we have. Love
you more than ever, Paul XXXX

YOU are someone very special
that one small remembrance val-
untines day.

YOU ARE my clown, true love
remains a friend.
Lovely Insouciant Practitioner.

YOU have my heart, you are my
love. Sussie has my Valentine.

YOU make my heart go boom
daddy boom ditty boom ditty
boom, I adore my bounte-

WO
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TAI

WENDY AS, remember the love and the start? Are you the goddess get that love in companion fed in love with? Couldn't you be mine Wendy? Mary

WENDY my heart is with you even though I am not I love you and forever. Darren

WENDY, with a dove and special love from someone with a heart. Oh N XXXX John

WENDY Should I compare now to a manner's dad, love always. John

WITH all my heart, I wish you love life and happiness. Scosine

WE two will be in one in two months, I love you with all my heart.

WHAT'S new pussycat? You are still, even thirty years on LOVE R.

WHITE RABBIT a thousand gentle kisses to save the world. Alex Alice

WHIP CORRE! hey boy salomon en el no ES Te encamoras mucho Ananda, Phil, Mini E.J wif

WIFE, friend, lover and mother of four... what more could I want? Happy Valentines P.S Is there life beyond TiedLombard?

WINDSUFFRING male model loves gorgeous discourage lady to distraction.

WINNING the lottery would be fine but you're more precious my Valentine.

WINKING you a merry truce peah, all the way from Toyoko Inn.

WITH all your whims and caprice, I still love you my Little Cat.

WITH you mistress Kage, my fall always wings, you are so beautiful.

WOMBAT Can't wait to be due up and brained down Pleasure and Pickles, Fossil.

WOOD TURNER's mate gives for Romeo with rooster and lunge to be lashed in savant spectacular love symphony.

WOOF, it's never to be page three or four, but I could be a page 20 I All my everlasting love XXX

WOOF From a mule? Love from a cowbo? We too are yours forever and a day. XXXXXX

"WOOD" You take away the warmth I have keeping for "WOOD", I love you. Peter XXX

WRINKLED not green, said not blue, fastid- E.T., I love you.

WS The music in my heart I bore long after I've heard no more. MPS

YOUR A1 when we're making
 A2 I could do with A1, A2
 YOU'RE my friend, my love, all
 things rolled into one baby I
 never fail to be everything to
 you
 YOU'RE committed to our chil-
 dren's needs, you're tolerant of
 mine, I'm in total awe of you,
 my heart felt Valentine
 YOU smile your love radiates
 me, I'm moved to Weichman, I
 love you
 YOURS deeply madly truly,
 YWETTE Always the most beauti-
 ful woman in my world
 Ding Bitch Marc
 YWETTE - don't I compare them
 to a summer's day? Yes, and
 to your advantage, I adore you
 I E

 ZEEBIEBEEBEEA broodt moosho.
 Maan broodt Zeebushiner
 Vagad, and broodvava,
 Choochavava
 ZEEBIEBEEBEEA smooch with love from
 Tota and the boy.

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VAT payable at time of supply

Liability was not admitted

B. J. Rice & Associates (a Firm) v Commissioners of Customs and Excise

Before Lord Justice Staughton, Lord Justice Ward and Sir Ralph Gibson

[Judgment February 7]

Sections 4 and 5 of the Value Added Tax Act 1983 determined the amount of tax to be charged and the time when the charge took effect but whether a charge to tax had actually arisen was to be determined under section 2(1) at the time the supply was made.

Where, therefore, consultancy services were supplied by a firm before it was registered for VAT but were only paid for after registration, no VAT was payable as the firm was not taxable under section 2(1) at the time the supply was made.

The Court of Appeal so held in a reserved judgment delivered by majority appeal by the appellant, B. J. Rice & Associates, a tax consultancy business, against Mr Justice Macpherson of Chury who, on March 15, 1994 in the Queen's Bench Division, had upheld the (London VAT Tribunal's) decision on April 28, 1992 that services supplied before the appellant's registration for VAT but paid for after registration were fully taxable.

Section 2 of the 1983 Act provides:

"(1) Tax shall be charged on any supply of goods or services made in the United Kingdom, where it is a taxable supply made by a taxable person in the course or furtherance of any business carried on by him."

Section 4 provides:

"(1) The provisions of this section and section 5 below shall apply for determining the time when a supply of goods or services is to be treated as taking place for the purposes of the charge to tax."

"(3) Subject to the provisions of section 5 below, a supply of services shall be treated as taking place at the time when the services are performed."

Section 5 provides:

"(1) The commissioners may by regulations make provision with respect to the time at which... a supply is to be treated as taking place in cases where it is a supply... (a) of goods or services for a consideration the whole or part of which is determined or payable periodically, or from time to time, or at the end of any period..."

Regulation 23 of the Value Added Tax (General) Regulations (SI 1985 No 886), as substituted by the Value Added Tax (General) Regulations (SI 1989 No 1537), provides:

"(1) ... where services are supplied for a period for a consideration the whole or part of which is determined or payable periodically or from time to time, they shall be treated as taking place at the time when the services are performed."

shall be treated as separately and successively supplied at the earlier of the following times - (a) whenever a payment in respect of the supplies is received; or (b) whenever the supplier issues a tax invoice relating to the supplies."

Mrs. Melanie Hall, for the appellants, Mr B. J. Rice in person.

LORD JUSTICE STAUGHTON said that at some time before October 31, 1986 the appellant had done work for a client and sent out an invoice for £150. It was not and could not be a tax invoice under the 1983 Act. The appellant was not at the time registered for VAT, since his turnover had not reached the level where he was required to register. The bill for £150 was not paid and the appellant wrote it off as a bad debt in his accounts.

On October 31, 1986 the appellant registered for VAT. There was no evidence as to how long before that date the work was done and the invoice issued, only that it was before that date.

Over four years later, in March 1991, the client had a further need for the services of the appellant and was told that he must first pay the fee of £150 which was still due for the earlier work, and he did so. Customs and Excise said that, as the appellant was now registered, he had to pay VAT on the supply of services comprising that earlier work.

The issue depended entirely on the interpretation of the 1983 Act, but it was by no means easy. There were four elements in section 2(1) of the Act. There had to be: (i) a supply of goods or services in the United Kingdom; (ii) which was a taxable supply; (iii) by a taxable person, someone who was or ought to be registered for VAT; (iv) in the course or furtherance of any business carried on by him.

It was not disputed that elements (i), (ii) and (iv) were fulfilled when the appellant did work for the client at some time before October 31, 1986, but element (iii) was not. Customs and Excise said that the relevant date was not when the work was done, but in March 1991 when the £150 was paid. They reached that result by referring to regulation 23 of the Value Added Tax (General) Regulations 1985, as amended. It was certain ground that the work which the appellant did for the client came within the description provided by that regulation. Section 9(5) of the Act provided the *vires* for regulation 23.

Customs and Excise thus concluded that the supply was to be treated as occurring, in point of time, when the appellant's bill was paid in March 1991. The alternative provided by regulation 23(1)(b) was not applicable because

the appellant never did issue a tax invoice, and could not lawfully have done so while he was not registered for VAT.

At the time the bill was paid the appellant was registered; and that, the Customs and Excise said, fulfilled the requirement of section 2(1) that he was a taxable person at the relevant time.

If that was the right interpretation of the Act, it produced an unjust result. Either the appellant would be unable to recover the tax from his customer, and would have to pay it out of his own pocket; or else the customer would have to pay tax although it was not chargeable at the time when he both contracted for and received the services of the appellant.

Customs and Excise had argued that there was no injustice "because either a trader can and should foresee that he may cross the threshold and word his invoice accordingly, or he could and should have required the customer to pay 25 per cent on top of the bill of £150, on the basis that late payment had brought the transaction within the VAT net."

His Lordship did not accept that either of those solutions was apt, in fact and in law, to avoid the injustice mentioned, even if 25 per cent was an error for some other figure.

That those who paid their bills late should suffer some penalty was wholly appropriate but his Lordship did not see why the penalty should (i) be determined by the prevailing rate of VAT, however long or short the delay, or (ii) accrue to the benefit of Customs and Excise rather than to the supplier of services.

His Lordship turned to consider whether regulation 23(1) fixed the time for deciding the question whether a supply was a taxable supply within section 2(1) of the Act. At first sight one would have thought that it did not; surely a person who was not registered for VAT, because his turnover was below the statutory limit, should be free to supply goods or services in the confident belief that neither he nor the recipient would have to bear tax on the supply?

Customs and Excise argued that sections 4 and 5 of the 1983 Act and the 1985 Regulations determined conclusively and for all purposes when a supply was to be treated as taking place.

The appellant, on the other hand, maintained that one must first determine on the actual facts, and without deeming anything, whether a charge to tax had arisen under section 2(1).

If any of the four requirements was absent, no tax was payable; and that was the end of it. Only if all four requirements were met did one proceed to inquire what was the actual or deemed time of supply for the remaining purposes

of the Act. The appellant reached that result by pointing to the words "for the purposes of the charge to tax" in section 4(1). Those words, it was said, were only applicable if there was first a charge to tax within the ordinary meaning of section 2(1).

There was a difficulty with that argument, which arose from section 4(1), subsection (1), that section applied where there was a change in the rate of tax in force, or in the description of exempt or zero rated supplies.

Subsection (2) proceeded on the assumption that section 4(1) applied in those circumstances, and gave the supplier an option to disapply them. So section 5 was assumed to lay down the time when, among other things, an assessment as to whether a supply was, or had been exempt.

But whether a supply was exempt or not determined whether it was a taxable supply and that was of the four elements in section 2(1). On the appellant's argument those elements were to be judged at the time of actual supply and not when it was deemed to happen under section 5. So on his argument it was not necessary to disapply section 5 when goods that were formerly exempt ceased to be exempt; and it achieved nothing to disapply section 5 in the converse case, where goods that were previously not exempt became exempt.

It had therefore to be acknowledged that that obscure provision in section 4(1) assumed that the question of whether goods or services were exempt would have to be decided at the time of supply was deemed to take place under section 5, apart from the exception which section 4(1) made.

But his Lordship would regard that as a special provision, derogating from section 2, and that in all other cases the existence of a chargeable transaction had to be determined at a time when the supply was actually made.

Common sense and justice pointed to that result: sections 4 and 5 rendered the time when a supply was deemed to take place irrelevant, in the case of a supply which was not taxable at the time when it was made, seemed seriously to close retrospective taxation.

Lord Justice Ward gave a concurring judgment.

SIR RALPH GIBSON, dissenting, said that he agreed with the majority. He said that the result that that result did not seem to him to be of such an order that the court should depart from what appeared to be the plain meaning of the provisions of the 1983 Act.

Solicitor: Solicitor, Customs and Excise.

Parrott v Jackson

Before Lord Justice Hirst and Lord Justice Pill

[Judgment January 31]

A defendant in a personal injury action who admitted negligence but did not admit any resulting damage had not made an admission of liability on which the plaintiff was entitled to judgment under Order 9, rule 6(1) of the County Court Rules (SI 1981 No 1687 (L20)).

Therefore, a judge erred in holding that the plaintiff's action had been automatically struck out under Order 9, rule 10(1) when 12 months had elapsed from service of the summons and judgment had not been entered against the defendant.

The Court of Appeal so held allowing an appeal by the plaintiff, Roy William Parrott, against Judge Brandt at Colchester County Court who, on June 27, 1995, had allowed an appeal against the decision of Deputy District Judge Hodges on June 10, 1995 and granting the defendant, Ronald F. Jackson, a declaration that the plaintiff's action for damages for personal injury following a road accident had been automatically struck out under Order 9, rule 10(1) of the County Court Rules 1981.

In June 1993 the plaintiff served the defendant with a summons and particulars of claim alleging negligence which had resulted in the plaintiff suffering damage. The defence, dated July 30, 1993, stated: "(2) The defendant admits that the accident to the plaintiff... was caused by the negligence of the defendant. (3) The defendant makes no admission in respect of the alleged or any injury loss or damage."

In May 1995 the defendant applied for a declaration under Order 9, rule 10(1) of the County Court Rules 1981. The judge held that the defendant's defence was a "full and frank" admission of liability and that the plaintiff was entitled to judgment under Order 9, rule 6(1) of the County Court Rules 1981.

Mr Harvey McGregor, QC and Mr Steven Dwyer for the plaintiff; Mr Robert Adams-Brown, QC and Mr Clare Brown for the defendant.

LORD JUSTICE HIRST said that the appeal had raised yet again a question concerning the construction and application of Order 9, rule 10 of the 1981 Rules. The court had been informed that the previous decision relating to rule 10(1) and that the present case was the first where rule 10(1) was in issue.

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Mr Harvey McGregor, QC and Mr Steven Dwyer for the plaintiff; Mr Robert Adams-Brown, QC and Mr Clare Brown for the defendant.

LORD JUSTICE HIRST said that the appeal had raised yet again a question concerning the construction and application of Order 9, rule 10 of the 1981 Rules. The court had been informed that the previous decision relating to rule 10(1) and that the present case was the first where rule 10(1) was in issue.

The judge had held that the defence as pleaded constituted an admission within rule 10(1) on which the plaintiff had been entitled to obtain judgment and, accordingly, the action was automatically struck out once 12 months had elapsed and no judgment had been entered.

The plaintiff argued that on a proper construction of the defence no admission within rule 10(1) had been made, damage being the gist of a claim in negligence. He supported his argument by reference to *Blundell v Rimmer* (1971) 1 WLR 123 and *Rankine v Garson* (1979) 2 All ER 1185.

The defendant submitted that those two cases demonstrated an old-fashioned approach which should not now be followed. Alternatively, they should be distinguished on the ground that they involved denials of damage which were much more categorical than the present case. He argued that an admission to the accident was tantamount to an admission of injury.

His Lordship was unable to accept the thrust of the defendant's argument that these cases were out of date and should be discarded; their ratio seemed plain and unimpeachable. As Lord Justice Stephenson had said in *Rankine*

at p190 the plaintiff "has to prove both elements of his cause of action; and nothing short of a clear admission of liability, both of negligence causing the action and of damage resulting from the accident caused by the negligence, is enough to entitle him to judgment."

Thus the question was whether the defendant had made a clear admission of liability. His Lordship found it impossible to answer that question in the affirmative. The plea in paragraph 2 of the defence was equivocal.

His Lordship was unable to accept that an admission of the accident necessarily implied an admission of injury to the plaintiff, especially in the light of paragraph 3 of the defence.

If that left the defendant in a grey area he had only himself to blame. One of the trunks of the case was that the defendant had tried to force the plaintiff with an outright admission which the draftsman of the defence had been careful not to make.

It followed that there was no admission by the defendant in the terms of Order 9, rule 10(1) and no basis for striking out the action under that rule.

Lord Justice Pill gave a concurring judgment.

Solicitors: Pleas Thomson & Co, Clacton-on-Sea; Pretys, Ipswich.

specific performance or injunction; the expert had no jurisdiction to grant such relief.

3 One would expect clause 5.2 to precede clauses 5.2 and 5.3 if the expert was to have jurisdiction.

4 VSEL had conceded that the court was intended to retain jurisdiction over the ambit of clause 5.5 unless and until the accounts disagreed on that issue.

Mr Scott, submitting that "in connection with" meant "not unrelated to", had urged that disagreement of the accounts was not unrelated to the certification process; but in the instant case such a construction seemed inappropriate.

Mr Phillips had vigorously contended that clause 5.5 was for BS's benefit and, truly construed, obliged VSEL to give access to all documents which BS's accountants bona fide or reasonably said fell within it, thus achieving parity of access to what might prove vital information.

But that construction of clause 5.5 involved rewriting it, or at least rewording it, was not there. The correct view was, therefore, that the court had exclusive jurisdiction to resolve disputes under clause 5.5(b).

Solicitors: Ashurst Morris Crisp Slaughter & May.

Role of expert limited by agreement

British Shipbuilders v VSEL Consortium plc

Before Mr Justice Lightman

[Judgment February 2]

Questions as to the role of an expert had to be determined as a matter of construction of the relevant contract and if that conferred on him the exclusive remit to determine a question, the jurisdiction of the court over it was excluded; but if he went outside his remit the court could intervene and set his decision aside.

Likewise the court could set his decision aside, where the agreement so provided, in case of manifest error; the court had jurisdiction ahead of him to determine the limits of his remit or the conditions with which he had to comply but would, save in exceptional circumstances, decline to do so.

Mr Justice Lightman so held in the Chancery Division, on the authority of *Mercury Communications Ltd v Director General of Telecommunications* (1996) 1 WLR 48, *Jones v Skempton Computer Services* (1992) 1 WLR 277 and *Norwich Union Life Assurance Society v PBO Property Holdings Ltd* (1993) 1 EGLR 164 on an originating summons issued by the plaintiff, British Shipbuilders, on March 12, 1994.

It sought determination of its entitlement to documents under clause 5.5(b) of an agreement dated March 10, 1986 between it and the defendant, VSEL Consortium plc, for its sale to VSEL of Vickers Shipbuilding and Engineering Ltd for (a) an initial £600m and, under clause 5.2(b) a further sum, with a ceiling of £400m, to be certified by reference to the profits of VSEL and its subsidiaries, from April 1, 1986 to March 31, 1992.

Clause 5.3 of the agreement provided: "If any disagreement arises between [accountants] appointed by BS and the auditors for the time being of VSEL in connection with the certification [of those profits], it was to be referred ultimately to a firm of chartered accountants (the 'expert') [whose] decision shall, in the absence of manifest error, be final and binding."

Clause 5.5(a) provided, inter alia, that each party should provide appropriate instructions to their respective accountants to certify under clause 5.2 and clause 5.5(b); that "VSEL shall... procure that the accountants appointed by BS will... be allowed reasonable access to the [relevant] accounting records of each member of the new group."

Mr Patrick Phillips, QC and Mr Roger Hetherington for BS; Mr Peter Scott, QC and Mr Alan Griffiths for VSEL.

MR JUSTICE LIGHTMAN said that when the hearing began and each party had appreciated the other's position, both had agreed that the respective roles of the court and the expert should be determined prior to anything else. I could only one, or more than one, reference be made under clause 5.3.

His Lordship held its language apt to embrace recurrent references to the expert.

2 On a dispute between the parties or their accountants as to entitlement to documents under clause 5.5(b), had the court or the expert jurisdiction, or exclusive jurisdiction?

In his Lordship's view, the role of the accountants did not extend beyond the certification process. They had no role in resolving disputes between BS and VSEL under clause 5.5(b); that of the expert, likewise.

That view was reinforced by: 1 Absence from the agreement that the expert had a role in resolving disputes between BS and VSEL as to their rights under 5.2.

2 VSEL's obligation under clause 5.5 was *prima facie* enforceable by

Counsel's final view on appeal chances can be expressed orally and not in writing

Lord Chancellor v Brennan

[Judgment January 22]

Before Mr Justice Hooper

Where counsel who represented a legally aided defendant convicted or sentenced at the crown court expressed a final view at the conclusion of the case that an appeal would not succeed, paragraph 1 of A Guide to Proceedings in the Court of Appeal Criminal Division (HMCSO) (1990) did not require him also to provide written advice to the same effect.

If, after giving his final view at the conclusion of the case, counsel subsequently tendered such written advice in the absence of a specific request by his client, his

claim for standard fees would, in the absence of special circumstances, normally be refused by the determining officer as work not reasonably done.

Annex H to the Code of Conduct for the Bar of England and Wales (fourth edition (1993) revised (1995)) had not been amended to reflect the 1990 changes in the 1993 version of the Guide.

Mr Justice Hooper, sitting with two assessors, so held in a reserved judgment in the Queen's Bench Division given in open court, dismissing the Lord Chancellor's appeal under regulation 10 of the Legal Aid in Criminal and Care Proceedings (Costs) Regulations (SI 1989 No 343), against Master

Rogers' decision allowing Miss Janice Brennan's claim for fees for the preparation of written advice, which had been refused by a determining officer.

Miss Brennan, a barrister, represented a legally aided defendant aged 20 who had pleaded guilty in the crown court to burglary and was sentenced to 18 months detention in a young offenders' institution. She immediately gave him oral advice that an appeal was unlikely to succeed and later that day she prepared a written advice to the same effect. She had not been provided by her instructing solicitors with any document in the form of Appendix I to the Guide as

provided by paragraph 1.2. A determining officer refused her claim for £20 standard legal aid fees for the written advice on the ground that, applying R v Neill (unreported, February 14, 1995), the work was not reasonably done.

Mr Edward Solomon, solicitor for the Lord Chancellor; Mr Nigel Pascoe, QC, for the barrister.

MR JUSTICE HOOPER said that the barrister had understood from the Guide, and paragraph 17 of Annex H to the Code of Conduct, that counsel was obliged to furnish written advice after a client had been convicted or sentenced, even if oral advice to that effect had been given earlier.

The Guide provided: "1.1 No one convicted or sentenced in the crown court in circumstances where appeal lies to the Court of Appeal Criminal Division... should be without advice or assistance on appeal. Solicitors should not wait to be asked for advice by the defendant. The following practice should be followed in all cases:

"1.2 Solicitors include with the brief to counsel a separate written instruction to give advice and assistance on appeal in the event of conviction or sentence. See Appendix 1.

"1.3 Immediately following the conclusion of the case, counsel and solicitor... the defendant and counsel expresses orally either:

"(a) his final view as to the prospects of a successful appeal (whether against conviction or sentence or both); (b) if there are no reasonable grounds of appeal, Appendix 1 should be completed and a copy provided then or as soon as practicable thereafter to the defendant by the solicitor; (c) if there are reasonable grounds of appeal, Appendix 1 should be completed and signed grounds of appeal drafted. Thereafter the procedure at 1.6 should be followed.

"(b) his provisional view as to the prospects of a successful appeal. Appendix 1 should be completed. Thereafter the procedure at 1.4 should be followed. Counsel will note that the defendant should always be provided with a completed Appendix 1 either immediately after the conviction, or the case or as soon as practicable thereafter.

"1.4 Within 14 days counsel sends to solicitors (a) an advice on appeal and (b) where appropriate, signed grounds of appeal."

Mr Solomon submitted that whereas the 1983 version made it clear that a written advice was always required within 21 days, the new version made it clear that no such written advice was required if paragraph 1.3(a) of the Guide applied.

Unfortunately Annex H had not been amended, as it should have been, to take into account the changes to the Guide. The Guide did not require any written advice if counsel expressed orally his final view at the conclusion of the case. Furthermore the period of 21 days had been replaced with a period of 14 days.

A determining officer had to decide whether work was "reasonably done" having regard to the current edition of the Guide and not to those provisions of the Code of Conduct which were inconsistent with the Guide.

The procedures in paragraph 1.4 applied only in the circumstances of a conviction or sentence. If counsel expressed orally his "final view" at the conclusion of the case, then he should delete paragraphs (b), (c) and (d) on Appendix 1 and no further action was required of him.

Where counsel did not express

his final view at the conclusion of the case he was obliged to put his advice in writing pursuant to paragraph 1.4. A determining officer would only in rare cases conclude that a written advice given under paragraph 1.4 was not reasonably done, where he decided that counsel should have expressed his final view at the conclusion of the case.

But where counsel had expressed a final view that an appeal would not succeed and was thereafter requested by the defendant to put his advice in writing, he should

do so and that work would normally be work "reasonably done".

Where counsel expressed his final view and thereafter other than at the defendant's request forwarded a written advice, then R v Neill provided helpful guidance to a determining officer. But those officers should also bear in mind that the saving of legal aid resources might not result in an overall saving of publicly funded resources.

In the present case the work was reasonably done, having regard to

the age of the defendant and the possible issue of disparity.

His Lordship hoped that the General Council of the Bar would consider amending Annex H to the Code of Conduct to reflect the contents of the current Guide.

Finally, it was important that counsel fill in a document with the information contained in Appendix 1 to the Guide. If counsel did not do that there was a much greater risk that the provision of written advice would be found to be work not reasonably done.

Solicitors: Treasury Solicitor.

THE TIMES

Take your Valentine to romantic Paris

Paris and romance go together - and the city would probably be most people's choice of destination for a Valentine's Day date.

This is why The Times offers you the chance to take your partner to this city of lovers.

Phone your answers to the question below on our hotline before midnight tomorrow and you and your partner could be whisked there to spend a two-night break.

The winner, who will be selected at random from all correct entries received, will be contacted by the travel specialists, EuroDrive, who will arrange your journey to Paris via Eurostar, the high speed train which travels from Waterloo, London, to the

Lovers alert! Lovers alert! Lovers alert!

Gare du Nord in the centre of Paris, in only three hours.

You will stay at the three-star Hotel Cordelia, close to the Opera and a short stroll to the shops on Boulevard Haussmann.

Our lucky Valentines will be given £200 to spend. For wonderful restaurants, a Times gourmet suggests La Coupole, the quintessential French brasserie, or Café Flo, another eatery with beaucoup de Gallic ambience.

EuroDrive TRAVEL CLUB

THE QUESTION

1. In which museum is the Mona Lisa?

Phone in your answers on our competition hotline, below, before midnight on Thursday February 15. The prize must be taken before March 31, 1996. Calls cost 39p a minute cheap rate and 49p a minute at all other times.

CALL OUR HOTLINE: 0891 81 81 04

LEGAL & PUBLIC NOTICES

LEGAL NOTICES

THE BROADCASTING COMPLAINTS COMMISSION

Complaint from His Honour Ian Starforth Hill, QC - Draft summary of adjudication

His Honour Ian Starforth Hill, a retired Circuit Judge, complained to the Broadcasting Complaints Commission that he had been unjustly and unfairly named in a Channel Four programme entitled *The Devil's Advocate*.

The Judge claimed that the presenter had spent the whole programme focusing on a particularly controversial judgment in a case of sexual assault on a child, whom he had described as "not entirely an angel".

The Commission found that the programme did not focus exclusively on this case and that the broadcaster had adequately prepared the Judge for the adversarial - even heckling - nature of the programme. The Commission found no unfairness to the Judge in these respects.

The Judge also complained that the showing of a video clip of the victim's response to the Judge, and the mother's presence in the studio audience, broke an agreement that no victims would be present.

The Commission found no unfairness in the using of a newsclip of the unidentified victim commenting on the day of the judgment.

However, the Commission considered that the broadcasters were unfair to the Judge in not warning her when she asked the Judge to apologise to her daughter. Her participation broke the spirit of the understanding between the Judge and the Broadcasters and in this one respect the Commission found unfairness.

LEGAL NOTICES

M J MARLOWE LIMITED
Voluntary Liquidation
The Insolvency Act 1986, section 136, in accordance with Rule 4.100 of the Insolvency Rules 1986, notice is hereby given that M. J. Marlowe Limited, a company registered in England, No. 230487, has been placed into voluntary liquidation. The liquidator is Mr. J. K. P. Barry, FCA, of 10, The Quadrant, London, W1A 1AA. A list of names and addresses of the creditors of the above company may be inspected at the offices of the liquidator, Mr. J. K. P. Barry, FCA, at 10, The Quadrant, London, W1A 1AA, between the hours of 10.00 am to 4.00 pm on any business day. The meeting of creditors will be held at 10, The Quadrant, London, W1A 1AA, on 14th February 1996, at 11.00 am. All creditors are invited to attend. A list of names and addresses of the creditors of the above company may be inspected at the offices of the liquidator, Mr. J. K. P. Barry, FCA, at 10, The Quadrant, London, W1A 1AA, between the hours of 10.00 am to 4.00 pm on any business day. The meeting of creditors will be held at 10, The Quadrant, London, W1A 1AA, on 14th February 1996, at 11.00 am. All creditors are invited to attend.

SUNSHINE LIMITED
Voluntary Liquidation
The Insolvency Act 1986, section 136, in accordance with Rule 4.100 of the Insolvency Rules 1986, notice is hereby given that Sunshine Limited, a company registered in England, No. 230487, has been placed into voluntary liquidation. The liquidator is Mr. J. K. P. Barry, FCA, of 10, The Quadrant, London, W1A 1AA. A list of names and addresses of the creditors of the above company may be inspected at the offices of the liquidator, Mr. J. K. P. Barry, FCA, at 10, The Quadrant, London, W1A 1AA, between the hours of 10.00 am to 4.00 pm on any business day. The meeting of creditors will be held at 10, The Quadrant, London, W1A 1AA, on 14th February 1996, at 11.00 am. All creditors are invited to attend.

QUALITY PEOPLE LTD
Voluntary Liquidation
The Insolvency Act 1986, section 136, in accordance with Rule 4.100 of the Insolvency Rules 1986, notice is hereby given that Quality People Ltd, a company registered in England, No. 230487, has been placed into voluntary liquidation. The liquidator is Mr. J. K. P. Barry, FCA, of 10, The Quadrant, London, W1A 1AA. A list of names and addresses of the creditors of the above company may be inspected at the offices of the liquidator, Mr. J. K. P. Barry, FCA, at 10, The Quadrant, London, W1A 1AA, between the hours of 10.00 am to 4.00 pm on any business day. The meeting of creditors will be held at 10, The Quadrant, London, W1A 1AA, on 14th February 1996, at 11.00 am. All creditors are invited to attend.

PUBLIC NOTICES

ABBOTT, ADOLPHUS, HARRY
NOTICE IS HEREBY GIVEN that the above named person has been declared bankrupt by the Court. The trustee in bankruptcy is Mr. J. K. P. Barry, FCA, of 10, The Quadrant, London, W1A 1AA. A list of names and addresses of the creditors of the above company may be inspected at the offices of the trustee, Mr. J. K. P. Barry, FCA, at 10, The Quadrant, London, W1A 1AA, between the hours of 10.00 am to 4.00 pm on any business day. The meeting of creditors will be held at 10, The Quadrant, London, W1A 1AA, on 14th February 1996, at 11.00 am. All creditors are invited to attend.

JOSEPHINE
NOTICE IS HEREBY GIVEN that the above named person has been declared bankrupt by the Court. The trustee in bankruptcy is Mr. J. K. P. Barry, FCA, of 10, The Quadrant, London, W1A 1AA. A